

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

**Prescott, Arizona**

**January 4, 1999**

The Board of Supervisors met in regular session on January 4, 1999.

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.

**ITEM NO. 1. Board of Supervisors.**

1. Passing of the Chairmanship from Chairman Feldmeier to Chairman-elect Davis; and election of Vice Chairman for 1999. **Chairman Feldmeier passed the Chairmanship to Chairman-elect Davis, and moved to appoint Supervisor Brownlow as Vice Chairman for 1999. Chairman Davis seconded the motion, which carried by unanimous vote. Vice Chairman Brownlow congratulated Supervisor Feldmeier for a job well done as Chairman in 1998.**
2. Approve minutes of meeting of December 21, 1998, and of special meeting of December 16, 1998. **Each was approved as written, by unanimous vote. Motion by Supervisor Feldmeier, seconded by Supervisor Brownlow.**
3. Reconsider approval of minutes of November 16 and 18, 1998. **Chairman Davis said that during discussion of funding for bicycle/pedestrian paths along SR 89A at the November 16 meeting, he had made a statement to the effect that he did not want to use park funds allocated to his district for this project. In response to a question from Supervisor Brownlow, Ms. Staddon said that while she does her best to ensure that statements are written down, sometimes things are missed. Supervisor Brownlow said he had no problem adding Chairman Davis' statement to the minutes. He moved to approve the correction. Supervisor Feldmeier seconded the motion, which carried by unanimous vote. Ms. Staddon then clarified for Chairman Davis that another question he had regarding the November 16 minutes had to do with a grammatical error and that she would make the necessary correction. Chairman Davis said he believed that during the meeting of November 18 he had asked for clarification regarding what was meant by "back off of the declaration issue" and that clarification was not included in the minutes. Ms. Staddon pointed out that a few sentences later the minutes included "that he would back off in his capacity as a County Supervisor." Supervisors Brownlow and Feldmeier indicated that this was what they recalled from the meeting, and Chairman Davis said it was fine. The Board took no further action with regard to the minutes of the November 18 meeting.**
4. Hearing: Consider approval of revisions in Health Department fees. **Health Department Director Marcia Jacobson and Nursing Director Sondra Halderson participated. In response to a question from Supervisor Brownlow, Ms. Jacobson said the Board of Health had not yet approved the fees, but would review them and act on them January 5. Following brief discussion regarding the fees, during which Ms. Jacobson pointed out that in some cases the fees were being reduced and clarified that people who can afford to see their own doctors are not receiving services through the Health Department, the Board voted unanimously to approve the fee schedule contingent upon approval by the Board of Health. Motion by Supervisor Brownlow, second by Supervisor Feldmeier. No comments from the public.**
5. Consider approval of proposed Yavapai County legislation for 1999. **Supervisor Feldmeier said the proposals before the Board on this day were proposals that had been approved by the Board for the 1998 legislative session but which, for one reason or another, did not make it through the legislative process. He recommended that the Board concentrate its efforts on proposals (2) regarding recovering costs associated with the abatement of dangerous buildings, and (4) regarding the process involved in granted cable television and utility franchises. He said he had asked Mr. Hunt to review Maricopa County's proposed "slumlord" legislation to see if it would provide what the County is seeking in proposal (2).**

Mr. Hunt said he had reviewed the slumlord legislation and that it would make a lien against a property for abatement of a nuisance second only to a general tax lien. He said the slumlord legislation would improve the counties' positions with regard to liens but would not entirely eliminate the lien problem. Brief discussion ensued regarding the slumlord legislation and how such cases would be adjudicated, with Mr. Hunt clarifying that the legislation would help in serious or emergency situations because it allowed for such matters to go directly to Superior Court. He said such cases could not be handled by the justice courts. In response to a question from Chairman Davis, Mr. Hunt said the position the County would take if the slumlord legislation was approved would be that if a violation of a County ordinance exists, then it's a crime. He said that approach would work with regard to residential property, but that the legislation set out specific criteria regarding commercial properties and that for the County's purposes with regard to liens, the legislation would be useless in dealing with commercial properties. He noted that the slumlord legislation did not really focus on the County's concern regarding the status of liens, but that it did present an opportunity for the County. There was general agreement that Mr. Hunt and Planning & Building Director Mike Rozycki should work together to review the slumlord legislation to see if it will meet the County's purposes, thereby allowing the Board to eliminate proposal (2). There was also agreement that proposal (1) regarding county participation in liquor licenses could be held over for another year. There was brief discussion regarding proposal (3), which would make technical changes to special district statutes regarding formation of and annexation to special districts. Supervisor Feldmeier said this proposal had been submitted for the 1998 session but had not received the support of the Arizona Fire District Association. Ms. Staddon said she did not know why AFDA had not supported the bill, but that it had simply not responded to it at all. She told the Board that part of proposal (3), which would make petition requirements for annexation consistent with those for formation, was also being proposed by the state's Recorders, but that another important part of the proposal would give the Board the option of hiring a hearing officer to adjudicate cases of appeal of annexation actions by special districts rather than the Board having to hear and rule on those cases itself. There was general agreement that Ms. Staddon should contact AFDA to see if it would support proposal (3). The Board agreed that proposal (4) regarding franchises should move forward. Ms. Staddon clarified that the executive director of the Arizona Cable Telecommunications Association, Susan Bitter Smith, had indicated to her that while ACTA would be interested in supporting this proposal and assisting the County in moving it through the legislature, it did not want to be the primary force behind it because the proposal would then appear to be special interest legislation. Supervisor Feldmeier said he had received a call from Yuma County Supervisor Lucy Shipp asking if Yavapai County would be interested in participating with Yuma County to hire a lobbyist. He said the question had arisen because the County Supervisors' Association's top ten legislative issues for 1999 did not include any of Yuma County's concerns. Chairman Davis said he would like to see Yuma County's list of concerns. Supervisor Feldmeier said he would get the list. He said he did not know what it might cost to share in the cost of lobbyist, but that hiring one would provide the County with extra help on its legislation. Supervisor Feldmeier then moved to approve the County's legislative agenda as described above. Supervisor Brownlow seconded the motion, which in the absence of comments from the public, carried by unanimous vote.

6. Consider approval of items appearing on the Consent Agenda and on the Consent Agenda for Special Districts. **With the exception of item 7.a., all items were approved by unanimous vote. Motion by Supervisor Feldmeier, second by Supervisor Brownlow. No comments from the public. See Consent Agenda for detail.**

**ITEM NO. 2.** County Recorder Patsy C. Jenney-Colon and Elections Director Sharon R. Keene-Wright. Request for permission to reclassify Election Assistant position (vacant) to Records Technician (Range 30, Step 1) and for a new Records Technician (Range 30, Step 1) position. Ms. Keene-Wright explained that one of the positions would concentrate primarily on acquisition of polling places and poll workers while the other position would primarily be responsible for computers. She said that during slack times the employees would be asked to

assist in Voter Registration, at the Elections Warehouse, or wherever they are needed. Upon a motion by Supervisor Brownlow, seconded by Supervisor Feldmeier, the Board voted unanimously to approve this request. No comments from the public.

**ITEM NO. 3.** Human Resources Director Gail Perry. Consider approval of the following reclassifications: Supervisor Brownlow said he would like to see reclassifications on the regular agenda as a rule. Chairman Davis agreed, saying that items which deal with the budget process should come before the Board so they do not become a tool to get around the budget process.

1. One Secretary Senior to Administrative Aide, Range 35, Step 6 to Non-classified (5% increase), Planning & Building Department. Ms. Perry said she was recommending that this position remain as a classified position because the County does not have a coordinated approach to moving employees from classified to non-classified status. She said this position is located in the Verde Valley and the request for the change was consistent with the County's efforts to provide broader services to the Verde. There was discussion regarding changes to this employee's responsibilities, during which Ms. Perry said this employee would be responsible for taking Planning & Zoning Commission meeting minutes for Commission meetings held in the Verde Valley. In response to questions from Supervisor Feldmeier regarding duties of the position, Planning & Building Director Mike Rozycki said the request for reclassification had to do with the fact that the department has a new Assistant Director and with a desire to provide a broader range of services to the Verde Valley. He said the reason for including taking minutes in the job description was that it is one of the primary differences between a Secretary Senior and an Administrative Aide. He said he had been using temporary employees for some functions and that this change would help alleviate that situation. Supervisor Feldmeier moved to approve the request. Supervisor Brownlow seconded the motion, asking how far up the salary range people would be allowed to move before they are made non-classified. There was brief discussion regarding this, during which Mr. Holst said that Administrative Aides had been considered part of the management team and as such eligible to be non-classified. Mr. Rozycki said he had three Administrative Aide positions in his department, only one of which was non-classified. He said he had no problem with leaving this day's request as a classified position and then looking at the classifications. Chairman Davis called for the vote, which carried unanimously. No comments from the public.
2. One Contracts Coordinator to Contracts Analyst (new classification), Range 41, Step 2 to Range 43, Step 2 (5% increase), Medical Assistance Department. Ms. Perry said she believed this new classification would be useful to the County. Supervisor Feldmeier moved to approve the request. Supervisor Brownlow seconded the motion, expressing concern that the County was providing better salaries than the private sector. Ms. Perry agreed that the County pays its employees very well, but said this particular matter had to do with internal equity. Chairman Davis called for the vote, which carried unanimously. No comments from the public.
3. One Account Clerk II to Records Technician, Range 27, Step 2 to Range 30, Step 2 (7.6% increase), Medical Assistance Department. **Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Feldmeier. No comments from the public.**

**ITEM NO. 4** Fleet Management Director Dave Burnside. Approve removal of underground fuel tanks on Whipple Street and on Gurley Street, with work to be performed by JBL and Associates at approximate cost of \$14,350, to be paid from Contingency. Approved by unanimous vote. Motion by Supervisor Feldmeier, second by Supervisor Brownlow. No comments from the public.

**ITEM NO. 5.** Merit Award Board Chairman Deborah Warren. Approve Vincent Gallegos, Planning & Building Department, as Employee of the Month for December 1998. Ms. Warren was not present, so Planning & Building Director Mike Rozycki presented to the Board the Merit Award Board's reasons for recommending Mr. Gallegos as Employee of the Month. Approved by

unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Feldmeier. No comments from the public.

**ITEM NO. 6.                    Public Works Director Richard Straub.**

1. Consider approving abandonment of a portion of Rancho Vista Drive, Prescott area. **Mr. Straub said the Yavapai Trails Association had indicated that it had no problem with this request. Resolution No. 1152 Abandoning a Portion of Rancho Vista Drive was approved by unanimous vote. Motion by Supervisor Feldmeier, second by Supervisor Brownlow. No comments from the public.**
2. Consider approving an exchange on Cocopah Road and Sunrise Drive, Highland Pines area. **Resolution No. 1161 providing for the exchange was approved by unanimous vote after Mr. Straub said that this road, which the County is currently maintaining, is in the wrong place and this exchange would resolve the problem. Motion by Supervisor Brownlow, second by Supervisor Feldmeier. No comments from the public.**
3. Consider approval of a reconstruction project on Peila Avenue, Verde Village area. **Approved by unanimous vote, after Mr. Straub said this project would be paid for from available HURF monies from other District 3 projects in Verde Village. Motion by Supervisor Brownlow, second by Supervisor Feldmeier. No comments from the public.**
4. Consider approval of a plating project on Wagoner Road, Yarnell area. **Approved by unanimous vote. Motion by Supervisor Feldmeier, second by Supervisor Brownlow. No comments from the public.**
5. Permission to expend an amount not to exceed \$170,000 from the Pioneer Parkway project for right-of-way acquisition from the State Land Department (half-cent sales tax project). **Mr. Straub said that approval of this request would take care of payment in full for all of the land purchased from the State land Department for this road. In response to a question from Mr. Holst, he said that the County would keep the old alignment for the road and continue to use it as a roadway. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Feldmeier. No comments from the public.**
6. Award or reject bids received for SR 89 MP 337 at Big Chino Road, Paulden, Arizona (half-cent sales tax project). Bids opened December 29, 1998. **Bids were received as follows: Asphalt Paving & Supply, \$163,196.05; Fann Contracting, \$202,883; Inca Contracting, \$187,226.34; and SPE Systems, \$184,646.65. Mr. Straub recommended awarding the bid to the low bidder, Asphalt Paving & Supply in the amount of \$163,196.05. This item was considered in conjunction with item 7 below.**
7. Award or reject bids received for SR 69 MP 290 Right Turn Lanes, Prescott, Arizona (half-cent sales tax project). **Bids were received as follows: Asphalt Paving & Supply, \$251,929; Fann Contract, \$273,659; Inca Contracting, \$288,187.19; and SPE Systems, \$336,713.50. Mr. Straub recommended awarding the bid to the low bidder, Asphalt Paving & Supply, in the amount of \$251,929. He noted that new ground was being broken because these are ADOT projects that ADOT is allowing the County to handle. He noted that ADOT was in concurrence with the bids. Supervisor Brownlow said he wanted to thank Diamond Valley resident Walt Mathew and other Diamond Valley residents who helped with this project and he moved to approve this item. Supervisor Feldmeier seconded the motion. Mr. Mathew said he wanted to thank Mr. Straub, Tom Foster of ADOT and their staffs for the time and effort they had put into this project. He said he also believed the Central Yavapai Transportation Planning Organization was one of the most outstanding organizations in the area. Supervisor Brownlow then amended his motion to include approve of item 6, above. Supervisor Feldmeier seconded the motion, which carried by unanimous vote.**

**ITEM NO. 7.                    Planning & Building Director Mike Rozycki. Planning and zoning. Planning & Zoning Commission member Jim Buchanan was present to represent the Commission.**

1. Special use permit/community plan amendment, AM Radio Tower Facility, 502-02-011 and 011C; 502-12-011D, Black Canyon City area, Ricardo Torres, KZPZ Corporation, agent for Canyon Ranch Corporation, #6808. **Amendment to allow the development of a communication tower facility**

comprised of seven communication towers, each 197 feet in height, on an 80-acre parcel in an R1L-70 zoning district, located approximately one-half mile southwest of the intersection of Maggie Mine Road and Old Black Canyon Highway in the Black Canyon City area. The Planning & Zoning Commission recommended denial of this application based on significant opposition from surrounding property owners and area residents, because it did not appear to be a reasonable or appropriate use at this location, and because it had not been sufficiently demonstrated that the proposed use is in the best interest of the public health, safety and welfare and would not be detrimental to persons or property in the vicinity. Mr. Rozycki explained that staff had prepared a list of stipulations in the event the Board chose to approve this application. He said he had also received a letter from the applicant's attorney, Jim Musgrove, requesting that an approximately 5-acre parcel be removed from the application. Supervisor Brownlow said he had read all of the back-up information and that so much misinformation was involved that the truth was clouded. He said he would like to know exactly how many acres were involved, and how big the proposed park would be. He asked if the \$50,000 the applicant was proposing to give the community for the park had to be matched by the community or whether it was free and could be used right away. Supervisor Brownlow asked if 20 percent of the people within 300 feet of the project were opposed to it, and he asked how many towers would be needed if the applicant were to serve only the Black Canyon City area. Mr. Rozycki said the total ranch property was 162 acres and that the applicant had 76 of those acres but that Mr. Musgrove was suggesting removing 5 acres from the project. He said it appeared that the applicant might need to obtain an easement from the owner of the ranch in order to provide a fall zone for the towers, but that taking Mr. Musgrove's recent letter into consideration it now appeared that the project would comprise approximately 71 acres. Mr. Rozycki said that with regard to the park, it was a 5-acre site and that there would need to be a sponsor for the park. He said the location suggested for the park appeared to be within the floodplain of Black Canyon Creek. He said it appeared that this application was being requested in order to protect the ranch and not allow residential or other development. Mr. Rozycki told the Board that 20 percent of the affected property owners had not signed petitions in opposition to the application. He said he could not answer questions regarding the area of service, but that the two towers currently in the Black Canyon City area are on BLM land east of I-17 and the applicant had access to those towers but had indicated that they do not meet the applicant's specific needs. Supervisor Brownlow asked if the application conformed to the approved wireless communications towers plan. Mr. Rozycki said he believed the concern was the visual effect of the seven towers. Mr. Rozycki presented to the Board the list of 14 stipulations that staff would propose in the event the Board chose to approve the application. In response to a question from Chairman Davis regarding stipulation (9), Mr. Rozycki said that towers less than 200 feet in height do not need to be lighted or painted with reflective paint. Chairman Davis then asked about stipulation (12), saying perhaps that was something to be worked out between the property owner and the applicant. Mr. Rozycki responded that because there had been discussion about benefits to the community and the applicant had said they would provide excess water, that stipulation had been included. Supervisor Brownlow asked if there was a water shortage in Black Canyon City. Mr. Rozycki replied that he did not believe there was at this time, but that he could not really comment on it. Supervisor Brownlow said he had a problem with the applicant's offer to provide the community with one hour of broadcast time only on Sundays. The applicant's attorney, James Musgrove, said that the applicant was willing to work with the community on broadcast time, and that there was no requirement for the community to match the \$50,000 from the applicant. He said the applicant would not have a problem paying the money to the County but would prefer to see it placed in an interest bearing account. Mr. Musgrove then provided visual concepts of what the park might look like, and noted that the applicant would reserve hiking and equestrian trails across their property to the Bradshaw Mountain area. Mr. Musgrove said that with regard to the number of towers, in order to broadcast at 50,000 watts it would be necessary to have towers that are higher than the 350-foot towers on BLM land, or to have shorter towers in a certain configuration. He said the towers would be AM towers and that multiple towers were not a new concept in Arizona. In response to a question regarding whether a cell phone unit could be placed on one of the towers in order to eliminate the need

for yet another tower in the Black Canyon City area, Amador Bustos of KZPZ Corporation, said that technically it was possible to do so but that insulation would be required. Mr. Musgrove said co-location was possible but would have to be in compliance with the FCC. He then asked that all exhibits presented to the Planning & Zoning Commission at previous hearings be considered a part of this hearing. Mr. Rozycki said staff had included a suggestion that the entire 162-acre site be considered to preserve the ranch and that the equestrian ranch be allowed to continue but that there be no further development. Mr. Musgrove responded that he was surprised at that suggestion. He said the application applied to 71 acres and that staff was now suggesting that it include another 80 acres. He said that the current owners of the ranch, Mr. and Mrs. Kale, would retain ownership of a portion of the ranch and that he could not speak for what they might wish to do with their property. Mr. Musgrove said that any change to the use of the ranch would have to go before the Commission anyhow, and that he believed if no further development became a condition of approval on this day he believed the applicant would consider it but that in his opinion it amounted to legal extortion. Mr. Musgrove went on to talk about the petitions which had been signed in opposition to this application, saying that the applicant had sent validation cards to the those who had signed and that 104 of the cards were returned as undeliverable. He said that of the 70 cards that were returned, 16 people indicated they had changed their positions and were now in favor of the application. Mr. Musgrove talked about the Black Canyon City Community Plan, saying it had not been updated since 1986, and that Black Canyon City resident Ray Lewis, who he said served on the community plan committee, had indicated his belief that the application was in compliance with the community plan. He said he believed the use of the land would be better served with towers and a park than with houses with septic systems, and that the commercial nature of the towers would bring more property tax revenue, most of which would stay in the community for the benefit of the school district and fire district. Supervisor Brownlow said he disagreed with regard to the property tax. Mr. Musgrove said that in summary, he believed the applicant had more than demonstrated that this use of the property would be beneficial to the community and would be better than a housing development. Chairman Davis called for comments from the public. The following people spoke in support of the application: Amador Bustos, President/CEO of KZPZ Corporation, and a California resident; and Black Canyon City residents Howard Kale, Jack Shaefer, Arnold Trofe, Fay Welch, Jim Brown, Deborah Finley, Linda Sortor, Ken Nash, Carla Servilli, Barbara Sanders, Kathy Smith and Christy Merrill. Those who spoke in favor of the application generally expressed the following comments: That this was the best use of the property; that it would save the ranch; that people signed petitions in opposition because they thought the radio towers would cause health problems; that a housing development would negatively impact schools and cause taxes to go up; that the applicant would provide more water for the community; that a housing development on the property would mean more septic tanks and the potential of pollution of the Agua Fria; that the water delivery system could not withstand a new housing development; and that a park would benefit the children in the community. Mr. Bustos told the Board he planned to restore the ranch and use it as a corporate retreat. The following people spoke in opposition to the application: Black Canyon City residents Sarah Hrabina, Randy Hrabina, Bill Earl, Ida McCully, Phil Albins, Elizabeth Gardner, Dick Comfort, Charles Hrabina, Stella Hodgkin, Marlene Evans, and Danny Rezick; Glendale resident Art Spina, who owns property in Black Canyon City; and Jeff Lamb, Phoenix resident who owns property in Black Canyon City. Those who spoke in opposition to the application generally expressed the following comments: The area already has parks that are under utilized; concerns about health issues associated with towers; that this did not represent the best use of the property; that septic systems should not be a concern because new development would use a sewer system; that the bridge to the ranch was not adequate and question about who would be responsible for the bridge; that towers on the property would not generate as much property tax as a housing development would; that view of the Bradshaw Mountains would be destroyed; that Black Canyon City's water problems are related to an antiquated delivery system and not a lack of water; and that the use was not consistent with the zoning and residential land use plan designation in the Black Canyon City community. Chairman Davis closed the floor to further public comment. Supervisor Feldmeier

said he believed that people were forgetting to keep their eye on the ball and that most of the discussion had focused on the petitions. He said the issue was change and how communities and neighborhoods deal with change and how that change can affect a person's right or lack of right to continue forward in the lifestyle they believe to be most important to them as individuals. He said he had listened to the comments on this day and that he believed the issue was change and how to protect the community as much as possible. Supervisor Feldmeier said that after listening to the comments on this day he saw no direct harm in the radio towers and that he believed the use could complement the community and that it would benefit the community in the long run. Supervisor Brownlow said one of his main concerns was just getting the facts straight so there would be no misunderstandings. He told those present that the Board members do not talk to anyone before such matters come to the Board, and that the Board does not make decisions based on what property tax might come to the County. He said that if a housing development was built on the property the County would probably require the developer to have a sewer system and water system, but that it was also possible that the property could be developed through lot splits which would have septic systems and individual wells. Supervisor Brownlow said he was concerned about the crossing and that the County would not be responsible for the low water crossing. He said someone had expressed concern about children having access to the towers and that it was a good point. He said he would probably insist on addressing the fencing and bridge issues, and that the radio company would need to look at providing filters for residents' telephone and other equipment or replacing the equipment, if necessary. He said he would also like to know if the Board could say that the ranch would never be developed. Mr. Hunt said that Mr. Rozycki felt that a stipulation to preserve the character of the area would be appropriate, and that he believed the answer to Supervisor Brownlow's last question was yes, that it was appropriate and that if the applicant was agreeable to it then it was voluntary. Mr. Musgrove said it was voluntary. Chairman Davis said that on the positive side, the applicant's use of the property would provide open space and would be non-polluting, would increase the tax base and provide a park and trails access. He said that on the negative side, there was opposition from property owners outside the 300 foot limit and that there were health concerns for those who would be living closest to the towers. He said the applicant would not reside in the community, that there would be possible interference with cordless phones and other equipment, and that people had purchased property in the area based on the views and that now the Board was looking at changing the rules. Chairman Davis said the towers would also be counterproductive to developers' efforts to use underground utilities, and that people had said the existing park in Black Canyon City is under utilized. At this point the Board worked through the stipulations one-by-one, making changes as necessary. Following completion of this effort, Supervisor Feldmeier moved to approve the application with the following stipulations: 1). Approval of Special Use Permit/Community Plan Amendment HA#6808, as per site plan dated November 2, 1998 and in conformance with legal description matching site plan, with the exception of APN 500-09-012A and no access from Thompson Drive from this 5.92 acre parcel. This 5.92 acre excluded parcel to only use access from Old Black Canyon Highway, on a permanent/transferable basis with notification of staff prior to transfer; 2). The maximum height of the tower, including base platform and attached antenna, not to exceed 197 ft. above grade; 3). Development shall be in conformance with the site plan received November 2, 1998, depicting seven 197 ft. communication towers. The entire 70 acre site shall remain as an undeveloped (except for towers and equipment building) with no further splitting of property, so long as the use permit is in force and effect; 4). Legal description of property leased or purchased by applicant to be submitted to the Planning and Building Department prior to initiation of use. This legal description shall include the fall zone easement to include sufficient collapse area for all towers; 5). Public, usable 5 acre park site to be identified as a tract to be maintained in perpetuity by the land owner or designee and offered for dedication to Yavapai County. Financial assurances in the amount of \$50,000.00 to be posted with Yavapai County prior to initiation of use. Applicant to cooperate with YTA to dedicate non-motorized trails across property/ranch to adjoining public lands; 6). Applicant to obtain Planning and Building Department Zoning Clearance and County Flood Control District approval of tower foundation plans, prior to commencement of construction. Existing

crossing shall be maintained by the property owner in its existing condition, not by Yavapai County; 7). Any structure located within the reclining length of a tower shall not be used as a residence; 8). The communication tower and accessory structures shall be removed from the property, within one year, if the facility becomes unused or obsolete; 9). Towers shall be painted with non-reflective paint and there shall be no lighting of towers; (10) two existing towers on BLM property to be removed within six (6) months of Board approval; 11). Tower facility to be designed by a registered engineer. To be fenced and screened in accordance with FCC requirements; (12) existing water wells on subject property to be made available to the BCC Water Improvement District as stated in the applicant's 12-29-98 letter; 13). Applicant to provide free air time for community public service announcements and notices per the applicant's 12-29-98 letter. One hour per week as agreed to between the applicant and community; 14). Applicant to provide emergency broadcast notice as requested by the BCC fire district in the event of an emergency; 15). Applicant to cooperate with other users for co-location; and 16). Applicant to filter or replace if a registered engineer determines there has been interference with appliances and/or cellular telephones. Supervisor Brownlow seconded the motion, which carried by unanimous vote.

2. Special use permit for operation of a tourist-oriented blacksmith forge in conjunction with an ATV and bicycle rental operation in an RCU-2A zoning district, Crown King Forge and Livery, 204-05-013B, Crown King area, Shannon Garvin agent for Loraine Elliot, #6822. **Consideration of a Special Use Permit in order to allow the operation of a tourist oriented blacksmith forge in conjunction with an ATV (all terrain vehicle) and bicycle rental operation for the project to be known as the Crown King Forge and Livery, on an approximate six-tenths (6/10) of an acre of an approximate total 9.39 acre metes and bounds parcel in an RCU-2A (Residential; Rural; two acre minimum lot size) zoning district. Located south of Skunk Creek, east of Poland Creek, and west of Crown King Road in the community of Crown King. The Planning and Zoning Commission recommended approval of the Special Use Permit, with the following stipulations:** 1). Use Permit to be granted on a non-transferable basis for a period of three (3) years, with staff review in one (1) year and in conformance with the original letter of intent and supplemental letter dated November 30, 1998 and site plan dated 12-9-98; 2). No further expansion beyond the 28,749 square feet, as described in the legal description, dated 12-9-98 during the duration of the Use Permit; 3). Approval of fire suppression plan and the installation of a fire hydrant per the Crown King Fire Marshal prior to commencement of use; 4). Yavapai County Environmental Services approval of wastewater treatment plant prior to commencement of use; 5). Conformance to Ordinance standards for parking design, pavement, delineation of spaces with the use of polypropylene rope and entrance/exit of parking area, signage, and landscaping prior to initiation of use; 6). Six foot (6') high fencing with view obstructing materials or approved vegetation placed on ten foot (10') centers to be installed along the southern boundary of the property prior to commencement of use; 7). All outdoor lighting to conform to Yavapai County Zoning Ordinance Requirements (Dark Sky Ordinance); 8). Maintenance and storage of All Terrain Vehicles, parts, or materials to be entirely in an enclosed structure. No on-site storage of gasoline. This does not prohibit on-site display or parking of ATVs during business hours; 9). Hours of operation to be limited from 7:00 A.M. to 7:00 P.M., April through November; 10). Maximum number of All Terrain Vehicles not to exceed ten (10); 11). A final drainage report to be submitted and approved by the Flood Control District prior to commencement of use; 12). No horses on-site; 13). Road and parking lot improvements to meet Fire District Standards and be in place prior to initiation of the use; 14). Applicant to obtain Zoning Clearance for both existing and proposed structures within six (6) months from the permit date. If the livery is to be remodeled or to be inhabited, a building permit, review and approval of construction plans in conformance with the UBC will be required. Approved by unanimous vote. Motion by Supervisor Feldmeier, second by Supervisor Brownlow. No comments from the public.
3. Zoning map change from R1L-10 to RMM-10, 500-29-278 through 283, 284B, 286A, 288A, and 290 through 294, Cordes Lakes Unit 5, Cordes Lakes area, initiated by the Planning & Zoning Commission, #6829. **Consideration of a Zoning Map Change from R1L-10 (Residential; Single Family; Limited to Site Built homes; 10,000 square foot minimum lot size) to RMM-10 (Residential; Single Family; Site Built and Multi-sectional Manufactured Homes; 10,000 square**



foot lot size) for Lots 1415 through 1431 in Cordes Lakes Unit 5. Located along Aztec Trail east of Cordes Lakes Drive in the Cordes Lakes community. The Planning and Zoning Commission recommended approval of the Zoning Map Change from R1L-10 to RMM-10 for the specified lots. The motion carried unanimously. Approved by unanimous vote. Motion by Supervisor Feldmeier, second by Supervisor Brownlow. No comments from the public.

**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. Preliminary plat, Pinon Oaks Unit III, Phase I, 106-03-001G, P, E, Prescott area, Boyce Bryce agent for James Wilkinson, #6814. *At the request of the applicant, this application has been withdrawn and no action is necessary by the Commission or the Board. The Board took no action with regard to this item.*

**Planning & Building Department business:**

1. Hearing: Consider Robert and Shirley Washburn's application for appeal of the Roadway Development Fee required for their manufactured home, 304-01-044E, located in the Central Yavapai Benefit Area in Paulden. **Mr. Rozycki told the Board that Mrs. Washburn had to leave and had requested a postponement of this matter. Supervisor Brownlow said that whether or not Mrs. Washburn was present would not change his mind. He said Mrs. Washburn had adequate notice regarding the impact and did not respond. Supervisor Brownlow moved to deny the application for appeal. Supervisor Feldmeier seconded the motion, which carried by unanimous vote. No comments from the public.**
2. Hearing: Consider filing a lien or other methods of recovering the cost of demolition of a dangerous building, in the amount of \$8,915.70, Kaseman property, 204-09-135, Crown King area. **Property owner Brenda Kaseman participated in discussion. Supervisor Brownlow moved to file a lien on this property, saying if the property went to tax sale he believed the Board should buy it. Supervisor Feldmeier seconded the motion. Ms. Kaseman said she had purchased the property in 1996, not knowing that it had been condemned by the County in 1993. She told the Board that when her building was demolished her personal belongings had been either taken away or burned along with the building and that she did not believe she should be made to pay nearly \$9,000 for what had been done to her. Supervisor Brownlow said he did not know that someone was living in the building. Ms. Kaseman replied that she and her grandson were living in it and that she was now living in a truck. Mr. Rozycki said he also was unaware that anyone lived in the building. Supervisor Feldmeier asked if Ms. Kaseman had been notified by certified mail and if the County had followed the necessary processes in this matter. Mr. Rozycki said that was correct. Supervisor Feldmeier said if that was the case, then the Board was considering this matter because of a lack of response from the property owner. He said he wanted to be sure that the County had followed all of the steps it was required to follow. Supervisor Brownlow withdrew his motion. Supervisor Feldmeier then moved to hold this matter in abeyance to allow for a review of the information Ms. Kaseman had presented. Supervisor Brownlow seconded the motion, which carried by unanimous vote.**

**ITEM NO. 8. Convene in executive session pursuant to A.R.S. 38-431(A)(1), for personnel issue. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Feldmeier.**

**ITEM NO. 9. Consider authorizing going to bid for computer hardware and expending funds for software, personnel and training. Mr. Holst advised the Board that MIS Director Mark Ruddeforth wished to make a bid not to exceed \$50,000 for computer equipment being sold by the City of Prescott. He said Mr. Ruddeforth had informed him that if the County had to purchase this equipment from another source it would probably cost at least \$70,000 more. Upon a motion by Supervisor Feldmeier, seconded by Supervisor Brownlow, the Board voted unanimously to**

authorize Mr. Ruddeforth to bid for the City of Prescott's computer equipment in an amount not to exceed \$50,000. The remaining items regarding expending funds for software, personnel and training were not considered on this day due to a lack of time, and with the understanding that a special meeting would be held this week to consider them.

**ITEM NO. 10.** Study session for Board members' training on use of personal computers (will be held in Jim Holst's office, Room 310 in the Fair Street building). This study session was not held due to a lack of time.

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

1. Consider approval of resolution supporting the Hoover Dam Bypass Project, with said project to be paid for from federal funds. **(Resolution No. 1162)**
2. Requests from Sheriff's Office:
  - a. Permission to enter into an intergovernmental agreement with Central Yavapai Fire District to secure office space in the Williamson Valley fire station for the Volunteers in Protection Program, at no cost to the County.
  - b. Permission to enter into a contract with Security Link from Ameritech for a computer access/activity monitoring system, in the total amount of \$33,598, with initial investment requirement of \$11,087 and lease option of \$750 per month to be paid from Jail Enhancement Funds.
  - c. Consider approval of Cooperative Law Enforcement Agreement with U.S. Department of Agriculture, Forest Service, Southwest Region, Law Enforcement and Investigations, and Prescott National Forest.
  - d. Permission to accept Arizona Criminal Justice Commission grant in the amount of \$9,550 for the purchase of computers to assist in the registration and location of sex offenders in Yavapai County under the Arizona Sex Offender Registration Program.
3. Requests from Management Information Systems:
  - a. Permission to purchase used computer-related equipment for the Cottonwood Annex addition, in the amount of \$2,700 to be paid from Contingency.
  - b. Permission for the following employees to attend IBM training classes out of state: Deb Oppelt, Lynn Rhodes, and Bob Boyd, Kansas City, Kansas, January 5, 1999; Deb Oppelt and Bob Boyd, Dallas, Texas, January 11, 1999; and John Thomas, Los Angeles, California, January 11, 1999.
4. Request from Adult Probation for permission to transfer \$650 from Office Supplies to Equipment (Pretrial Services budget) in order to purchase replacement radio for vehicle used in surveillance.
5. Request from County Attorney for permission to hire Mark Ainley as a Journeyman Attorney due to experience, with position to be funded by the Criminal Justice Enhancement Fund.
6. Request from Facilities/Parks to award bid for telecommunication system at leased offices in the new Prescott Valley Town Hall to Williams Communications in the amount of \$14,226.90. Bids were opened December 17, 1998, with bids also having been received from: Arizona Telephone Technology, \$14,684 (alternate bid of \$18,496); and US West, \$14,855.96.
7. Requests from Public Works Department:
  - a. Permission to go out to bid for a mobile office trailer at a cost not to exceed \$60,000. **Public Works Director Richard Straub participated in discussion, saying this trailer could be paid for from the Waste Tire Fund and that it would house solid waste and waste tire employees. Chairman Davis asked if the location of the trailer and activities would need to stay in the Prescott area. Mr. Straub said they would. Supervisor Feldmeier said he understood the facility could only be used for tire related activities, but suggested that a permanent building with expansion possibilities be considered and that other activities could be moved into such a building with those activities paying rent to the Waste Tire Fund. Chairman Davis agreed. Supervisor Brownlow moved to hold this item in abeyance for additional study. Supervisor Feldmeier seconded the motion, which carried by unanimous vote.**

- b. Permission to transfer \$3,000 from Contingency to Solid Waste budget to cover additional funding for community clean-ups approved at the December 21, 1998, Board meeting.
  - c. Permission to transfer \$500 from Data Processing to purchase new laptop computer.
  - d. Consider approving extension of part-time Clerk position for the Verde Roads Division for another six months.
  - e. Permission to transfer \$4,000 budget capacity within the Half Cent Fund to cover final billing for completed Central Yavapai Transportation Study.
8. 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: Ash Fork Street Lighting Improvement District; Prescott East Sanitary District; Yarnell Street Lighting Improvement District; Seligman Street Lighting Improvement District.
- 2. Resolve into the Board of Directors of the Yavapai County Flood Control District:
  - a. Approve minutes of meeting of December 7, 1998.
  - b. Clarify and correct "Exhibit A", Quit Claim Deed, Book 3402, Pages 808 through 811, with regard to numerous properties in Verde Lakes, West Clear Creek area, Camp Verde.

**CLAIMS AGAINST YAVAPAI COUNTY**

<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	1,296,082.19	Family Planning	5,169.47
Fam Plng Fees	355.87	Home Health Ser	11,104.56
Health Promotio	2,233.52	Nutrition	1,047.03
T.B. Control	1,928.01	W.I.C. Program	12,327.97
Jail Enhance	497.46	Diversion Intak	6,355.80
Juvenile IPS	9,788.81	Family Councel	46.00
Juv Food Prog.	225.62	Probation Ser	2,988.22
Adult IPS	25,583.52	Adult Prob Fee	10,444.13
Prob Enhance	23,604.43	Stor/Ret Conv	10,455.58
Indigent Def/Dg	1,820.19	Nutrition Fees	242.06
Crim Just/Atty	3,779.93	Bad Check Prog	3,948.36
CDBG Grant	7,731.30	Juv Prob Svs	1,745.39
Commodity Fd	356.41	Azeip Case Mgmt	1,431.80
Sex Trans Disea	48.52	Hi Risk Chld HI	1,530.30
Clerk's Storage	1,530.21	WIC/TOB Interve	3,322.14
HIV Prevention	1,308.78	Atty Anti-Rack	2,163.63
P.A.N.T.	2,041.66	Law Library	11,010.08
C.A.S.A.	2,753.01	Case Process.	31,572.34
Childrens Justi	110.19	Teen Prenatal E	868.33
Azeip Coordin	873.33	Vict Witns Prog	3,318.37
Court Enhanceme	369.56	Concil Court	4,396.68
Yct Wellness Pr	12,762.00	Drug Enf Fndg	922.01
Vital Statistic	1,117.85	COPS Universal	3,086.59
Victims Impleme	2,582.62	Yav Indian Agre	1,829.31
Hassayampa/LTC	2,469.93	Dietetic Intern	391.97
Immuniz Service	734.43	Lower Crt Autom	9,392.54
Idea-Preschool	1,205.44	Subs Abuse/DARE	343.35
Chem Abuse	142.11	Juv Det/Pace	105.02
Collab Comp Rev	1,200.00	Special Program	6,647.66
Sm Schools Ecia	831.19	Sm Schools Beha	12,283.90
Public Works	297,523.68	Health Fund	48,671.89

Jail Commissary	3,455.03	Yav Cemetery As	25.62
Environ Svcs Di	11,547.31	W Yav Sol Waste	10,726.59
V V Solid Waste	29.09	Develop Clinic	2,326.25
Tire Recycle	758.75	Haz Mat Plng Gr	13.06
Safe School Pro	3,092.54	Adhs-Svc Coord	809.95
Famly Law Comm	2,827.87	Comm Punish Pro	2,065.09
Pace Chapter 1	84.01	Regnl Road Proj	36,313.79
Health Start	166.96	Child Sup Auto	880.21
Intst Comp Prog	2,127.37	Ryan White II	529.57
Perinatal Block	4,075.04	Tobacco Educ	12,879.78
Equal Ad Det Ed	42.02	ALTCS	175,978.86
D. T. E. F.	4,546.00	CJEF/Children	848.65
Resid Care Home	89.03	Enforce Equip	1,243.87
Perintl Subs Ab	230.73	Attendant Care	11,857.43
HIV/W.Y.G.C.	400.76	Netwrk Develop	7,104.76
HIV Targeted	610.97	Access & Visita	1,334.67
Children's Issu	570.00	Child Sup & Vis	245.90
Case Flow	1,108.63	Court Automat	2,077.16
COPS Hiring	2,762.48	Voca	2,538.21
Prenatal Outrch	447.47	JTSF Treatment	1,541.11
Divrsn Consequ	256.62	Tobacco Donatio	1,422.44
Dom Viol Trng	890.56	Resource Offcr	1,695.12
Summer Youth Pr	902.28	Court Imp Proj	537.88
Capital Proj	57,527.77	Bagdad Apt 803	1,972.00
Sedona DSN&CONS	16,605.00	Sedona Muni Apr	8,416.80
Sedona Airport	9,930.00		

In addition, payroll was issued on December 31 for the pay period ending December 13; warrant numbers 25365785; 25365787 through 2536613, in the amount of \$333,889.68. Jury certificates were also issued, warrant numbers 838579 through 838717. Warrants issued for January 4 Board day, 97226 through 97228; 97252 through 97643; 97648 through 97656; 97664 through 97982.

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

ATTEST:

\_\_\_\_\_  
Clerk \_\_\_\_\_Chairman