

OFFICE OF BOARD OF SUPERVISORS

YAVAPAI COUNTY, ARIZONA

Prescott, Arizona November 1, 1999

The Board of Supervisors met in regular session on November 1, 1999.

Present: Chip Davis, Chairman; Gheral Brownlow, Vice Chairman; John Olsen, Member; Bev Staddon, Clerk.

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

PLEDGE OF ALLEGIANCE: Allen Sara, 8th Grader at Prescott Mile High Middle School.

ITEM NO. 1. Board of Supervisors.

1. Approve minutes of meeting of October 18, 1999. Approved as written. Motion by Supervisor Brownlow, second by Supervisor Olsen.
2. Consider approval of items appearing on the Consent Agenda and on the Consent Agenda for Special Districts. With the exception of items 1.c., 6.d., and 7.b., all items were approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Olsen. No comments from the public. See Consent Agenda for detail.

ITEM NO. 2. Resolve into the Yavapai County Board of Equalization. Consider petition for review of personal property valuation for 1999, Fry's Food Store of Arizona #9, roll #3549813-013/0980099. Reference: Board of Equalization minutes.

ITEM NO. 3. Resolve into Board of Supervisors. Hearing on impact statement for the proposed Paulden Fire Protection District. Ms. Staddon explained that after the Board had received the impact statement, the legal description had to be amended to take out a portion of the proposed district that had been annexed by the Chino Valley Fire District. She said that the amended legal description contained an error that was not caught until after notices had been sent out to the property owners and qualified electors and notification of the hearing had been published. Ms. Staddon said that Mr. Schurr had stated that the Board could not amend the legal description as part of this day's hearing, and that as a result she was recommending that the Board deny circulation of petitions to establish the district. She said that by submitting a new legal description and changing the name of the district, the proponents could submit a new impact statement. Mr. Schurr clarified that the legal description that was published and sent out to property owners and qualified electors contained non-contiguous parcels. In response to a question from Chairman Davis, Ms. Staddon said she had met with two of the proponents of the district and that they understood what had happened. She noted that if the election to incorporate Paulden as a town was successful, the new town council would have to approve of the establishment of the district before the Board could do so because the district would be contained within the new town limits. Upon a motion by Supervisor Brownlow, seconded by Supervisor Olsen, the Board voted unanimously to deny circulation of petitions. No comments from the public.

ITEM NO. 4. Sheriff Buck Buchanan. Consider accepting COPS MORE grant award in the amount of \$107,180 for two Secretaries, two Records Clerks, one Evidence Technician, and six computers, and state intention to continue funding for the new positions at the conclusion of the grant. Sheriff Buchanan explained that acceptance of this grant would allow for certified officers and investigators to spend more time in the field because they would be relieved of clerical duties. He said that because it was already late in the fiscal year, the entire cost of the new positions would be fully funded by the grant for the remainder of the current fiscal year, and that the balance of approximately 25% of the grant could be used towards funding the positions in the next fiscal year. Supervisor Brownlow moved to approve the request. Supervisor Olsen seconded the motion. Supervisor Olsen asked Sheriff Buchanan how much of this type of problem would be relieved if the Jail District was approved by the voters. Sheriff Buchanan said that was something that he and the Board would need to sit down and discuss. He thanked the Board for its support of the Jail District,

saying that it had been a gratifying experience for him to work as a team with the Board these past few months. He said that if the Jail District was approved, it would provide the County with the ability to do things it has not been able to do in the past. In response to a question from Chairman Davis, Sheriff Buchanan said he would find space for the new employees, with the help of the Facilities Department, and that the new positions would serve the entire County, not just the Prescott area. Chairman Davis called for the vote, which carried unanimously. No comments from the public.

ITEM NO. 5. Flood Control District Director Ken Spedding. Consider authorizing Babcock & Associates, Inc. and the Flood Control District Director to accept an offer to purchase parcel 405-11-001, Lake Montezuma area, for \$17,000 plus costs, and authorize the Director to sign the necessary documents. Mr. Spedding reminded the Board that in September it had authorized him to work on obtaining parcels in this area. He said he had worked out an agreement with one property owner and would continue pursuing agreements regarding four other properties. He recommended that the Board approve the purchase. In response to a question from Chairman Davis, Mr. Spedding said that purchase of this property would provide access to the bridge. Chairman Davis noted that the property could also be used as a park or retained as open space. Mr. Schurr said he wanted to clarify that Mr. Spedding was assisting the County in acquiring this property and that the property would be paid for from County funds, not Flood Control District funds. Upon a motion by Supervisor Brownlow, seconded by Supervisor Olsen, the Board voted unanimously to approve the purchase as recommended by Mr. Spedding. No comments from the public.

ITEM NO. 6. Resolve into the Board of Directors of the Yavapai County Flood Control District. Reference: Special District minutes.

1. Approve minutes of meeting of October 18, 1999.
2. Consider authorizing professional services contract with Civiltec Engineering, inc. for post design services for the Holiday Hills Drainage and Road Improvement Project in the amount of \$5,376. FCD 990-008, Prescott area.
3. Consider approving an intergovernmental agreement with the Town of Camp Verde for the West Clear Creek Study in the amount of \$20,000. FCD 990-011, Verde Lakes Estates area.
4. Consider accepting a drainage easement on parcel 405-27-728C in exchange for sewer lateral installation, Verde Valley School Road/Bell Rock Boulevard Project. FCD 990-003, Big Park area.

ITEM NO. 7. Resolve into Board of Supervisors. Public Works Director Richard Straub.

1. Hearing: Consider establishing Hoover Lane in the Hassayampa Mountain Club area as a County highway. Resolution No. 1208 was approved by unanimous vote, after Mr. Straub explained that this was related to a co-op project to pave a road, that the total cost was approximately \$9,000 and that the residents in the area were contributing about \$3,200. Motion by Supervisor Olsen, second by Supervisor Brownlow. No comments from the public.
2. Hearing: Consider abandonment of a portion of Sunny South Road in the Crown King area. Participating in discussion were Planning & Building Director Mike Rozycki and Crown King resident Norm Frickman. Mr. Straub explained that a resident had constructed a building that encroaches into the right-of-way of Sunny South Road. He said the County did not need the area being encroached upon and that he saw no problem with selling approximately 100 square feet of the right-of-way to the resident. He said that the cost would be approximately \$1.30 per square foot. In response to a question from Supervisor Brownlow, Mr. Straub said that a protest of the abandonment had been received from someone who lives in Phoenix but owns property in Crown King. He said that selling the 100 square feet of right-of-way would not damage anyone's ability to use the road in the future. Mr. Schurr suggested that approval of the abandonment should be conditioned upon the County's receipt of payment for the right-of-way within 90 days of approval. Mr. Frickman said he was the person who had constructed the building, and that he had not realized that he was encroaching into the right-of-way. He said that the individual who had protested the abandonment actually lives in California, and that the County had required that person to tear down some buildings in Crown King. Mr. Frickman said that he was

actually encroaching about 40 square feet into the roadway. Supervisor Olsen said as long as traffic was not impeded he had no problem, and he moved to approve Resolution No. 1209 abandoning a portion of Sunny South Road. Supervisor Brownlow seconded the motion. In response to a question from Supervisor Brownlow, Mr. Frickman said that he had purchased the property on the other side of the road with the intention of swapping right-of-way with the County, but had been told that the County was not interested in doing that. Supervisor Olsen then amended his motion to add three feet to the right-of-way on the opposite side of the road through a swap with Mr. Frickman. Supervisor Brownlow seconded the amended motion, which carried by unanimous vote.

3. Consider approval of a right-of-way acquisition and co-op project on Wagon Wheel Dr., Dewey area. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Olsen. No comments from the public.
4. Consider approval of a right-of-way acquisition co-op with the Double O Ranch to acquire right-of-way on Anvil Rock Road, Seligman area. Mr. Straub said that the County had been maintaining this road but does not have the right-of-way, and this project would provide an opportunity for the ranch to purchase right-of-way at no cost to the County. He noted that the County maintains many miles of road for which it has no right-of-way, and that whenever the opportunity arises to obtain right-of-way the County should do so. Supervisor Brownlow moved to approve the request. Supervisor Olsen seconded the motion, saying he believed this was a good move because there would likely be a great deal of activity in the area with regard to 40-acre parcels. Chairman Davis said he disagreed. He said the area was a pocket of the County that was not developed and that approval of this request would only encourage development and result in more County time and personnel to maintain the road. Mr. Schurr said that the road had been historically maintained by the County, and that obtaining the right-of-way would not require any additional maintenance. He said that if the County wanted to revisit its practice of maintaining roads for which it has no right-of-way, it could do so. Supervisor Olsen noted that Anvil Rock Road is the main access to the Baca Float. Supervisor Brownlow said that the individual who is interested in developing the area wants to develop it in a good fashion and is considering allowing the County to rezone the area to restrict it to much larger parcels than the two acres that would be allowed under the current zoning. Chairman Davis called for the vote, which carried by a 2-to-1 vote, with Supervisors Brownlow and Olsen voting "yes" and Chairman Davis voting "no."
5. Request for permission to form two Drainage Maintenance Crews. Mr. Straub told the Board that through attrition his department had reduced road personnel by approximately 20 positions. He said that that, combined with a very aggressive paving program, had resulted in the County's falling behind on routine road maintenance, particularly drainage maintenance. He said he would like to form two, two-person drainage crews to take care of the problem. Mr. Straub said he had a vacant clerical position that could be deleted and replaced with an Equipment Operator I position, with the other three crew members to be added into next year's budget. He said that in addition to handling drainage work, the crews could also assist in regular road upgrade maintenance. Supervisor Brownlow moved to approve the request with the stipulation that the crews would work in any part of the County where they are needed. Supervisor Olsen seconded the motion. Mr. Hunt noted that creation of the crews was listed on the agenda, but that deletion of a clerical position was not, and he recommended that the Board approve only the creation of the crews and place deletion of the clerical position on the next agenda. Chairman Davis called for the vote, which carried unanimously.
6. Permission to enter into Authorization of Services No. 998862 with Sunrise Engineering, Inc. for engineering design services for the Fain Road Realignment project in the amount of \$619,631. Half-cent sales tax project. Mr. Straub said he had asked for proposals from four engineering firms, and that the proposal from Sunrise Engineering was the best one. He said that County had approximately 12 months in which to complete the engineering design and obtain permits for this project. He told the Board that three of the proposals ranged from in the \$600,000 to \$700,000 range, with one proposal being slightly more than \$1 million, and that the proposal from Sunrise Engineering was also the lowest. Supervisor Olsen moved to approve this request. Supervisor Brownlow seconded the motion. Donzil Worthington of Sunrise Engineering told the Board he and his firm were very pleased to be able to work with the County on a local job. Chairman Davis called for the vote, which carried unanimously.

ITEM NO. 8. Convene in executive session pursuant to A.R.S. 38-431.03(A)(3) for legal advice regarding KPZP vs. Yavapai County. Approved by unanimous vote. Motion by Supervisor Olsen, second by Chairman Davis.

ITEM NO. 9. Planning & Building Director Mike Rozycki. Planning and zoning. Planning & Zoning Commission member Jacquie Weedon was present to represent the Commission.

1. Amendment to a Condition of Approval, Granite Mountain Homesites, Unit V, 102-10-005D, Williamson Valley area, Equestrian Development Company, #6953. Consideration of amending a condition of Preliminary and Final Plat approval for the Granite Mountain Homesites, Unit V subdivision regarding the requirement to provide a secondary access to the subdivision as part of Phase One of Unit V. Located west of Williamson Valley Road, approximately five (5) miles north of the Williamson Valley Road/Iron Springs Road intersection, and north of the community of Prescott. The Planning and Zoning Commission recommended denial of the request to amend the provision for a secondary access to be developed as part of Phase One for Unit V of Granite Mountain Homesites. Mr. Rozycki explained that this was a request to amend a stipulation requiring the applicant to construct the emergency access portion of Levie Lane to fire code standards. He said that the road had not been improved to that standard and that the applicant was now requesting that the stipulation be held until a later phase of the project. Mr. Rozycki said the Planning & Zoning Commission had recommended retaining the original requirement, and he suggested that the Board also retain the original requirement and allow the applicant, Paul Levie, to work with Central Yavapai Fire District to bring the road up to fire code standards. Mr. Levie acknowledged that the Board had required that Levie Lane be improved to fire code standards in its original approval, but said that apparently when the plans were prepared that information had not been included. He said that both his contractor, Mr. Moody, and his engineer, Mr. Haywood, were denying responsibility for that stipulation not having been addressed. He said there were no homes in the subject area, and that he had a letter dated August 4, 1999, from CYFD Fire Marshal Paul Hernandez indicating that it was not necessary to bring the road up to fire code standards until the beginning of Phase 3. He said he did not wish to get caught in the crossfire between CYFD and the Planning & Building Department, but that Mr. Hernandez had the authority to determine what was required in this case. CYFD Fire Marshall Paul Hernandez told the Board that Mr. Levie was correct, but that as he had clarified at the Commission hearing on this request, the letter he had sent Mr. Levie was a mistake. He said that CYFD has a very good working relationship with the Planning & Building Department, and that he had failed to do the necessary research on this issue. Mr. Hernandez said that CYFD had waived the requirement that Levie Lane be improved to fire code standards, but that it was a mistake. Mr. Levie told the Board he would like it to grant his request to hold off on improving Levie Lane until the start of Phase 3 of his project, when he said houses would actually be built in that area. He said that in the meantime, sprinklers are required in homes, and that there was good access via Greene Lane and Levie Lane. Supervisor Brownlow said it was clear in both the Commission minutes and the Board minutes that the applicant would be required to improve the emergency access portion of Levie Lane to fire code standards. He said that when this subdivision was first approved the County road standard had required only gravel roads, and that since then the County had paved nearly all the roads in the subdivision at County expense. He said he believed the County had been very fair with regard to this subdivision, and that it was a case of someone not doing his homework and was not the County's fault. Supervisor Olsen moved to deny the request, with the understanding that the road should be built to whatever standard CYFD determines is appropriate. Mr. Rozycki clarified that that if Mr. Levie could reach agreement with CYFD, that would be fine with the County. Supervisor Olsen seconded the motion, which carried by unanimous vote.

Consent agenda for planning and zoning items, for which there were no protests at the Planning & Zoning Commission hearing, and which provides for acknowledgement of deferred or withdrawn items which have been advertised for hearing on this date. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Chairman Davis. No comments from the public.

1. Special use permit for 2,000-square-foot vehicle repair facility in an RCU-2A zoning district, C and R Trucking Maintenance and Repair Facility, 306-02-457, Chino Valley area, Corey Mendoza, #6950. *This application was withdrawn at the request of the applicant. No action was taken by the Planning & Zoning Commission and no action will be taken by the Board.*
2. Special use permit to allow an existing 1,300-square-foot accessory structure to be used as a guest house in an R1L-35 zoning district, Baugh Guest House, 107-11-002M, Prescott area, Robert Baugh, #6944. Consideration of a Special Use Permit in order to allow an existing thirteen hundred (1300) square feet accessory structure to be used as a guest house on a two (2) acre parcel in an R1L-35 (Residential: Single Family Limited; thirty-

five thousand (35,000) square foot minimum lot size) zoning district. Located in the vicinity of the Mountain Club off Cougar Drive, five hundred feet (500') west of Skyview Drive in the vicinity of the City of Prescott. Situs address: 1204 Cougar Lane. The Planning and Zoning Commission recommended approval of the Special Use Permit, subject to the following stipulations: 1). Use Permit to be on a permanent transferable basis, with staff notification prior to transfer of ownership; 2). Applicant to apply for the building permit for the guesthouse within thirty (30) days of Board of Supervisors' approval and complete construction and obtain a final inspection, in accordance with Building Code standards, to be reviewed and approved by the Planning and Building Department. Failure of such shall void the permit; 3). Guest house use to comply with the performance standards as set out in Section 109 A.2.k (5), detached guest homes, in the Zoning Ordinance. If the use of the guest house exceeds the prescribed length of stay, if guest home is occupied on a permanent basis, not to exceed a total of one hundred twenty (120) days over a twelve (12) month period by the same guest person(s) by a non-paying or non-reimbursed relative or guest of the resident of the primary structure, or is out of compliance with any of the standards set out in the Ordinance, other than size, the Use Permit may be voided and revoked by the Planning and Building Director; 4). Relaxation or waiver of setback requirement to allow for twenty foot (20') encroachment of the guesthouse structure into the front yard; 5). Applicant shall apply for the required Variance for the separate garage structure within thirty (30) days of Board of Supervisors' approval; 6). Environmental Services approval of septic system prior to issuance of building permits; 7). No further splitting of the parcel while the Use Permit is in force and effect. Parcel to remain as two (2) acres for the term of the Use Permit; 8). Applicant to meet with the case planner and Zoning Division staff to verify that the stipulations have been met prior to the issuance of the building permit or use/occupancy of the guest house.

3. Special use permit renewal for continued operation of a convenience store in conjunction with a Class 7 liquor license in an R1L-35 zoning district, Black Canyon City KOA Convenience Store, 501-12-011A, Black Canyon City area, Onorio and Ilma Dipede, #6945. Consideration of a renewal of an expired Special Use Permit in order to allow the continued operation of a convenience store in conjunction with a Class 7, liquor license for the project known as The Black Canyon City KOA Campground on a total of ten (10) acres in an R1L-35 (Residential; Single Family Limited; 35,000 square foot minimum lot size) zoning district. Located along the Interstate 17 frontage road approximately one-fourth (1/4) of a mile north of the Black Canyon City/Rock Springs exit # 242 in the vicinity of the community of Black Canyon City. The Planning and Zoning Commission recommended approval of the Special Use Permit, subject to the following stipulations: 1). Special Use Permit renewal to be approved on a permanent transferable basis with staff notification in writing prior to transfer; 2). Convenience store shall be operated in conjunction with the approved KOA Campground Use Permit as an accessory use only; 3). All existing signage to meet the requirements of section 118 F. Sign Regulations Specific to Residential Districts for an RCD zoning district of the Yavapai County Planning and Zoning Ordinance, not to exceed twenty-four (24) square feet of total sign area. No additional signage; 4). No expansion of the convenience store.

Planning & Building Department business:

1. Hearing to consider appeal of Planning & Building Director's decision to void use permit, H.A. #6881, Ted's Truck Stop. Mr. Rozycki told the Board that he had voided the use permit for non-compliance with three of the permit's stipulations. He said that the applicant had failed to comply with stipulation #10 requiring him to identify high traffic areas to be paved, along with a schedule for improvements with the paving to be completed by July 6, 2000. He said that in addition, the applicant was still operating under a temporary permit from the State Fire Marshal which was valid only until October 30, 1999. Mr. Rozycki said that the last non-compliance issue had to do with removal of the underground fuel storage tanks and the testing and acceptance of the soil by the Arizona Department of Environmental Quality. He said that information had not yet been received. He said that if the applicant intended to submit a plan showing what needs to be paved as high traffic areas, that would be fine and it would provide time for the applicant to obtain a permanent permit from the State Fire Marshal. Mr. Rozycki said if that was the case, then he would recommend that the Board overturn his action to void the use permit. Supervisor Brownlow said he had spent quite a bit of time in Ash Fork the previous week, and that he felt that requiring the applicant to pave the entire parking lot was not reasonable. He said that as long as the high traffic areas could be paved, it should be okay. He said that the applicant had

cleaned up the area and removed old tires, and that the tires that are for sale just need to be displayed in a neat manner. Supervisor Brownlow said that if the applicant would pave the high traffic areas with either asphalt or concrete, he saw no reason why something like decomposed granite could not be used in other areas to help keep the dust down. He said he would like to find a solution to this problem, because the truck stop was important to the economy of Ash Fork. Mr. Schurr reminded the Board that this was an appeal of the Planning & Building Director's decision. He said the Board could hold the matter in abeyance for 30 days to give the applicant time to submit a plan, but that the Board could not modify any of the stipulations previously approved. He said that in order to modify the use permit in any way, it would have to first go back to the Planning & Zoning Commission. Mr. Schurr said the Board could uphold Mr. Rozycki's decision, decide that the applicant was in substantial compliance with the terms of the use permit, or it could give the applicant more time to come into compliance. He said the Board could also give the department direction on how to enforce the stipulations. Mr. Rozycki suggested that the Board continue this matter for 30 days and allow the applicant to submit a revised site plan, saying that at the same time the matter could be put back on the Commission's agenda to consider modification of the stipulations. Supervisor Olsen said that was what he was going to recommend, saying that in cases like this the County just needs compliance. He recommended that the Board continue the hearing, saying that it made no sense to put someone out of business if he was making progress. Chairman Davis said he believed it was ridiculous to wait for the expiration of a permit to address the stipulations, and he asked why the applicant had not contacted the Planning & Building Department months ago to ask about getting things worked out. Mr. Rozycki told the Board that the applicant had not really agreed to the stipulations in the first place, and that he had not appeared at the Board meeting when the Commission's recommendation was approved. He said he believed that continuing the hearing would make sense. Applicant Bill Headstream told the Board that one of the reasons this had taken so long was that he was not notified of the Board's July 6, 1999, meeting until five minutes before his application was to be heard. He said he had been into the Planning & Building Department office four or five times since that date to try to get things worked out. Mr. Headstream told the Board that it was not economically feasible for him to pave the entire parking area, saying he could not afford to do the entire project even if it was spaced out over five years. He said it was true that there is a dust problem, but that paving was not the answer. He said he had asked to meet with Supervisor Brownlow and Mr. Holst to try to work out a solution, but that Supervisor Brownlow had refused. Mr. Headstream then provided the Board with a sketch of high traffic areas he said he could pave, but that he would be reluctant to enter into an agreement with the County to any additional paving. He told the Board that an increase in the number of truck stops between New Mexico and Barstow, California, had made competition very tough, and that while he employed 48 people in Ash Fork it was really a marginal business for him. In response to a question from Chairman Davis, Mr. Rozycki said that an amendment to the use permit would require going back to the Planning & Zoning Commission and the Board. He said one of the greatest concerns he had heard was that the use permit be made permanent and that no additional phases be required for paving. He said there should also be a clear understanding of what can be kept on the property. Mr. Rozycki said that with regard to the other stipulations, he believed that Mr. Headstream was working on obtaining the permanent permit from the State Fire Marshal. Mr. Headstream said he believed that in 30 days he would know one way or the other regarding the permit from the State Fire Marshal, and that he had received a report back from ADEQ indicating there was slight contamination in the soil where the underground tanks had been buried, but that ADEQ had not yet told him what to do about it. Mr. Schurr commented on what it would take to get this matter back in front of the Commission, saying he believed the applicant would need to make an application for modification of the use permit, and that if the applicant requested a waiver of the fees he believed the department could accept it and begin processing it pending approval of the waiver by the Board. Chairman Davis asked if there had been a history of lack of compliance with zoning regulations on this property. Mr. Headstream replied that mostly the problem had been dust. Chairman Davis responded that many times stipulations are placed on permits in order to ensure that the applicant is a good neighbor. Supervisor Brownlow moved to reinstate the use permit for a period of 90 days from this date with the understanding that the applicant would apply for amendment of the use permit in order to address the issues discussed on this day. Supervisor Olsen seconded the motion. Chairman Davis called for comments in opposition to the reinstatement of the use permit. There were none. He advised those present that they have the right to attend the Planning & Zoning Commission meeting when the amendment will be discussed. Mr. Headstream said he wanted to note how many people had attended on this day in favor of his case. Ash Fork resident Lucille Kreitzer said she was not in favor of or opposed to the use permit, but simply felt that if the rest of the people in Ash Fork were required to comply with County zoning regulations that Mr. Headstream should also be required to do so.

Chairman Davis called for the vote, which carried unanimously. Supervisor Olsen commented that the reason use permits are restricted to a specific period of time is that it provides for a review process if the property changes hands, and that it is just an attempt to ensure compliance with County zoning regulations.

2. Presentation of annual report and consider approval and adoption of the development fee project plan and benefit area plans for Regional Roadway Development Fees. Mr. Rozycki referred to a report he had provided the Board which included information regarding the number of projected dwelling units subject to the impact fee and the anticipated costs for the regional road projects that had been identified at the time the impact fee was approved. Mr. Holst said that Mr. Rozycki had done a very good job in compiling his report. Chairman Davis said he believed the Board should have such a review annually, and that it should look at what funds have been received. He asked if the Board could identify on this day the road projects that the first year's revenues should go towards. Mr. Holst said he could bring that back to the Board at a future meeting. Supervisor Brownlow asked if the revenue from the impact fees had to be used for regional roads. Mr. Schurr said that at the time the Board adopted the impact fee it had to identify a benefit area plan and that as part of that the Board had identified roads within the benefit areas. He said that the Board had to spend the revenues within the identified benefit areas. Supervisor Brownlow said it was hard to justify to people in Paulden that Fain Road would benefit them. Mr. Schurr said it would provide a benefit to them whether or not they personally drive it. Supervisor Brownlow said he believed at some point the Board would need to identify some collector roads for improvement. Mr. Holst replied that it would be more fruitful to identify residential collectors that the County can do something about with other revenues, and that it was really a question of what needs to be done as opposed to how it is paid for. Mr. Schurr agreed, saying that using the impact fee revenues for regional roads would free up other County money for use on other roads. Chairman Davis said he wanted to point out that the impact fee applies only to new dwelling units. There was brief discussion regarding waivers of the fee for low income persons, during which Chairman Davis said that determining eligibility for a waiver would be difficult, and expressed his belief that waiving the fee for low income persons would discriminate against other income groups. He said he did not know how fees could be waived for one group of people without passing on the cost to everyone else. Supervisor Olsen said he could understand the request in terms of people who are retired and living on fixed incomes, but that he did not know if there was a way to provide for waivers that would be reasonable. He suggested asking staff to look at it. There was also brief discussion regarding the fee and how it might be applied to RVs that are used as permanent residences, during which Mr. Rozycki said that if an RV was being used for a permanent residence the County could require a permit. Mr. Rozycki said it might also be possible to address impact fees as they relate to new RV parks. Chairman Davis moved to adopt the development fee project plan and benefit area plans as presented. Supervisor Olsen seconded the motion, which carried by unanimous vote. There were no comments from the public.

ITEM NO. 10. Consider taking action regarding Yavapai County's participation in the tobacco lawsuit. Mr. Holst provided background information regarding the counties' lawsuit against the State of Arizona to obtain a portion of the tobacco lawsuit settlement monies. He said that as part of the counties' plan in filing the lawsuit, there was to be a settlement plan proposed to the state. Mr. Holst said that although a settlement plan had been proposed to the counties, the County Supervisors' Association was determined to pursue a Maricopa County plan to not only continue the original lawsuit and hold out for 32% of the settlement money, but to also sue the Attorney General's Office and the big tobacco companies. He noted that Pima County had never joined in the lawsuit, and the Cochise County had withdrawn from a portion of the suit. Mr. Holst said that Governor Hull had gone out of her way to make sure that Yavapai County's financial issues were addressed. In response to a question from Supervisor Brownlow, Mr. Holst estimated that if the County remained a party to the lawsuit it might receive between \$350,000 and \$400,000 annually if the counties win. Mr. Hunt said that if the County withdraws from the lawsuit it would not be eligible to receive funds if the counties win, but that the funds that would otherwise have gone to the counties that are not a party to the suit would most likely go to the state and that the state might choose to make those monies available to the counties that did not participate in the suit. Supervisor Olsen suggested remaining a party to the lawsuit but making it clear that the County only wants its fair share. Mr. Schurr said it was no longer a case of just remaining a party to the suit, but also of participating in new lawsuits. He added that the "legislature giveth, and the legislature taketh away." Chairman Davis said that for the past year he and Mr. Holst had not been comfortable with the idea of the County participating in a lawsuit against the state. He said he did not believe the benefit was worth the cost. Mr. Holst said that just over a year ago Governor Hull had included a clause in ALTCS legislation for Coconino and Yavapai counties that would result in

saving Yavapai County taxpayers more than \$20 million. He said that this type of consideration happens every year and that it can be positive or negative. Chairman Davis asked if the County had the ability to deal individually with the Governor's office. Mr. Schurr said there was a problem because of potential initiatives regarding the tobacco settlement and that it would be difficult to obtain special consideration for the County. Mr. Holst said that if the Board chose to take action on this day to withdraw from the lawsuit, he believed it would be very appropriate to communicate to the Governor and the legislative leadership that the County was interested in sitting down with them. Chairman Davis said he believed that there has been an ongoing battle between the State of Arizona and the "State of Maricopa" and that the other counties are being victimized by it. He said that Maricopa County was driving the lawsuit and that he believed Yavapai County should be the one to step up to the plate and do the right thing. He said that maybe the County needs to take a leadership role with the other counties. Chairman Davis moved to withdraw from the lawsuit, saying that the state legislature and the Governor had been pretty good to Yavapai County and that he believed they would be good to the County in the future. Supervisor Brownlow seconded the motion. Supervisor Olsen said that no one really knew what would happen and all the County could do was try to mitigate the losses. He said he agreed with Chairman Davis' assessment of the "State of Maricopa", and that for the last 30 years Maricopa County had been trying to determine the direction in which counties should go. Mr. Schurr said he believed it was understood as part of the motion that the Board would communicate with the Governor's office about it's tobacco-related costs for health care and the fact that it would take a leadership role with the other counties regarding the lawsuit. Chairman Davis called for the vote, which carried unanimously.

CONSENT AGENDA FOR BOARD OF SUPERVISORS:

1. Requests from Board of Supervisors

- a. Consider approval of amendment to the agreement with the Yavapai County Fair Association.
- b. Consider granting permission for Jeff Hendricks and George Beck of Prescott Kart Center to build and manage a go-cart track and a BMX track at Pioneer Park, subject to BLM approval and a management agreement with the County.
- c. Consider paying electric and gas bills for the Ash Fork Museum through December 31, 1999, and for one month each year thereafter in exchange for the Seligman Justice of the Peace using the building one day a week for court purposes. Public Works Director Richard Straub participated in discussion. Supervisor Brownlow explained that the County had worked with the Arizona Department of Transportation to obtain the ADOT building in Ash Fork and that it was leasing it for a small sum of money. He said the County had agreed to pay the gas and electric bills for one year, and that the year had now passed. Noting that Seligman Justice of the Peace Kathy Blaylock uses the building once a week for court purposes, Supervisor Brownlow said he believed the County should pay the gas and electric bills year-round. Mr. Hunt noted that the agenda referred to paying the bills through December of the current year and then only for one month each year. Supervisor Brownlow said he wanted to amend the request to provide for the County paying the bills year-round, as it does for other parks. Supervisor Brownlow then moved to have the County pay the gas and electric bills year-round. Supervisor Olsen seconded the motion, which carried by unanimous vote. Chairman Davis said he wanted to commend Supervisor Brownlow for his work related to this project, and particularly for nominating the museum for Heritage Fund grants. No comments from the public.
- d. Appoint the following persons as precinct committeemen, as recommended by the Republican Committee of Yavapai County: James Lloyd West, Mayer Precinct; Lucy Mason, Badger Precinct; Mark Robin Payne, Yarnell Precinct; and Carolyn Daly, Mountain Club Precinct.
- e. Approve list of real estate held by the State of Arizona by tax deed and set date and time for the sale of property for December 3, 1999, at 9:00 a.m., pursuant to A.R.S. §42-18301, et seq.
- f. Pull from the 1999 tax sale list parcels 403-21-021C, 404-02-104, 404-13-180, 404-13-276, 404-13-321, 404-13-322 and 404-15-153 and award to the Town of Camp Verde for \$1.00 each for a total of \$7.00; parcels 306-44-005 and 204-15-249A and award to the Yavapai County Public Works Department for \$1.00 each for a total of \$2.00; and parcel 406-47-602 and award to the Yavapai County Flood Control District for a total of \$1.00.
- g. Consider approval of laptop and projector for County Administrator, to be paid from Contingency.

2. Requests from the Sheriff:

- a. Permission for Sgt. Ron David and Dep. Clay Starin to attend STUNTECH recertification in San Diego, California, November 7-12, 1999, at an approximate cost of \$1,300 to be paid from Jail Enhancement Funds, and permission to take a County vehicle out of state.
- b. Permission for Sgt. Andy Bacon to travel to Washington, D.C., November 6-10, 1999, for the Community

Policing Consortium, with all expenses to be paid by the Office of Community Oriented Policing Services, Department of Justice.

3. Request from Superior Court for reappointment of Rhonda L. Repp and Howard D. Hinson, Jr. as Judges Pro Tempore for the Superior Court for the period January 1, 2000 through June 30, 2000. Judge Repp will be paid 80% by grant funds and 20% by court and County funds; Judge Hinson will be paid 25% by grant funds and 75% by County funds.
4. Request from Management Information Systems for adoption of a fee schedule and licensing agreements for County GIS Data products pursuant to A.R.S. §39-121.01(D) and §39-121.03(A).
5. Request from Facilities/Parks for permission to renew contract with CSG Security Services, Inc. for the two-year option for the Camp Verde Justice Facility.
6. Requests from Public Works Department:
 - a. Permission to purchase a new computer for Solid Waste/Special Districts for the Account Clerk III position, to be divided between the Tire Fund, the Recycling Fund, and both Solid Waste Funds, in the amount of \$1,551.90.
 - b. Award or reject bids received for Material Processing (Crushing) at Stockpile Locations in the Mayer and Prescott Areas, Yavapai County, Arizona, Contract #998148. Bids opened on October 19, 1999, with one bid received from Superstition Crushing LLC. Recommend rejecting the bid.
 - c. Permission to place "No Parking" signs along Iron Springs Road in the Highland Pines area.
 - d. Consider approval of a co-op project with the Black Canyon City Fire Department for a traffic signal, County portion to be \$16,000. Public Works Director Richard Straub participated in discussion, saying that the fire district would provide \$10,000 towards the project and that the signal light would be active only if a fire engine is coming out of the station. In response to a question from Chairman Davis regarding utility costs, Mr. Straub said he was looking into the possibility of a solar powered light that would use very little electricity. He said he believed the fire district should maintain the signal, but that such an agreement had not yet been worked out. Saying that he was familiar with the location of the fire station on Mud Springs Road, that sight distance was a problem and that the light would provide a degree of safety, Supervisor Olsen moved to approve the request with the understanding that the fire district will maintain the signal and pay for any associated electricity costs. Supervisor Brownlow seconded the motion, which carried by unanimous vote. No comments from the public.
 - e. Consider approval of Change Order #1 to Authorization of Services #997654 with Biozone, Inc. for Beaverhead Flat/Beaver Creek Road Environmental Assessment. Increase of \$2,825. Half-cent sales tax project.
7. Requests from Health Department:
 - a. Approve Contracts #E1800011 and #E1800012 with the Arizona Department of Economic Security for Arizona Early Intervention Program (AzEIP) Case Management and AzEIP Coordination, extending the programs through June 30, 2000.
 - b. Approve agreement from West Yavapai Guidance Clinic (WYGC) extending HIV Counseling and testing services to WYGC designated clients through June 30, 2000. Held in abeyance for additional information. Motion by Chairman Davis, second by Supervisor Brownlow. No comments from the public.
 - c. Approve contract with Arizona Physicians, IPA (APIPA) allowing the County to bill them for immunizations, pregnancy testing and family planning services provided to APIPA AHCCCS clients.
 - d. Approve 5% salary increase for Suzan Ringer, Health Nurse III, who has agreed to become unclassified. Salary costs will be paid from contract funds.
 - e. Approve salary adjustment for two unclassified Health Nurse III/Nursing Supervisor positions from \$39,658 to \$42,000 for purposes of recruitment, with increase in cost to be covered with budgeted funds.
 - f. Approve subcontract with E.T.C. (Education, Training and Consulting) to provide adult smoking cessation services in Sedona, with reimbursement of up to \$6,500 to be paid from the Tobacco Education Contract.
 - g. Approve Amendment #2 to Arizona Department of Health Services Contract 861034, extending WIC Tobacco Intervention services through December 31, 2000.
 - h. Approve Amendment #1 to Arizona Department of Health Services Intergovernmental Agreement 953015 extending the Food and Drug Administration Tobacco Inspection Program through December 31, 1999.
 - i. Approve Amendment #4 to Arizona Department of Health Services Contract 761012 extending Program Coordination of services for Children with Special Health Care Needs through June 30, 2000.
 - j. Approve amendment #7 to Arizona Department of Health Services Intergovernmental Agreement 30-4070, extending the Immunization program through December 31, 2000.
8. Request from Fleet Management for permission to donate a 1986 three-quarter ton pick-up truck to the Verde Valley Fair Association.

9. Request from Human Resources to consider approval the expenditure of \$15,000 for employee benefit consulting services with IMR-global-ORION.
10. 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 Free Library District.
 - a. Approve minutes of meetings of April 13, April 19, June 23, July 6, August 2, and October 4, 1999.
 - b. Consider accepting and expending State Grant in Aid funds in the amount of \$20,498 and transfer \$4,582 in Library District general funds as a grant match.

CLAIMS AGAINST YAVAPAI COUNTY

<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	1,498,288.48	Family Planning	1,052.98
Family Planning Fees	1,600.39	Home Health Ser	14,713.05
Health Promotion	2,134.30	Teen Pregnancy	30.60
Nutrition	1,940.61	T.B. Control	1,840.57
WIC Program	17,981.98	Stop Violence - Women	0.00
Jail Enhance	4,328.55	Diversion Intak	7,076.23
Juvenile IPS	12,465.34	Family Counseling	0.00
Juvenile Food Prog	339.00	Probation Serv	3,554.43
Adult IPS	32,452.12	Adult Probation Fees	12,222.33
Prob Enhance	22,947.94	Stor/Ret Conv	2,955.78
Indigent Def/Dg	1,736.63	Crim Just/Atty	4,238.31
Bad Check Prog	4,285.14	CDBG Grant	48,751.72
Juv Prob Sys	2,466.89	Commodity Fd	520.80
Azeip Case Mgmt	1,544.15	Anti-Drug Grant	0.00
Sexual Trans Disease	120.00	Hi Risk Chld HI	1,886.69
Clerk's Storage	1,677.34	WIC/TOB Intervention	2,003.19
HIV Prevention	1,380.81	Atty Anti-Racket	80,770.20
PANT	2,666.32	Law Library	6,580.77
CASA	3,012.64	Case Process	385.66
Childrens Justice	80.55	Teen Prenatal	128.30

Azeip Coordinator	660.95	Vict Witns Prog	4,672.86
Court Enhancement	394.35	Concil Court	5,212.16
Yct Wellness Pr	0.00	Drug Enf Fndg	6,821.15
Vital Statistic	1,305.96	COPS Universal	1,571.91
Heritage Rndup	0.00	Victims Rights Impl	2,981.61
Recycl Educ Program	115.65	Yav Indian Agreement	3,222.41
Hassayampa/LTC	4,355.07	Dietetic Intern	457.28
Immuniz Service	613.14	Lower Ct Automation	0.00
Idea-Preschool	910.65	Subs Abuse/DARE	283.34
Chem Abuse	91.59	Juv Det/PACE	445.87
Collab Comp Rev	334.16	Special Program	10,662.60
Sm Schools Ecia	724.71	Sm Schools Beha	7,587.92
Public Works	471,529.14	Health Fund	42,047.74
Jail Commissary	5,466.83	Environ Svcs Di	12,108.99
W Yav Solid Waste	4,812.61	V V Solid Waste	280.66
Develop Clinic	1,093.75	Tire Recycle	12,838.07
Haz Mat Plng Gr	0.00	Safe School Pro	2,213.86
Adhs-Svs Coord	1,365.78	Family Law Commiss.	2,950.17
Comm Punish Pro	3,414.42	Pace Chapter 1	84.27
Regnl Road Project	658,459.95	Library Automation	0.00
Health Start	1,852.39	Victim Comp	5,574.35
Intstcomp Prog	2,620.19	Ryan White II	1,091.43
Great Parenting	0.00	Perinatal Block	6,472.89
Tobacco Educ	10,423.12	Equal Ad Det Ed	42.14
DTEF	41,525.29	Advocacy Center	2,000.00
Attendant Care	14,849.22	HIV/WYGC	416.80
Network Develop	8,515.48	HIV Targeted	91.34
Children's Justice	1,321.45	Child Sup & Vis	402.33
Domestic Relations Ed	245.13	Case Flow	788.70
Court Automation	0.00	COPS Hiring	2,273.26
Self Service	259.55	VOCA	2,704.42
Prenatal Outreach	115.86	NACOG Vlt	909.85

JTSF Treatment	3,160.01	Divrsn Consequ	1,587.47
Tobacco Donation Fund	28.35	Alt Dispute	572.00
Resource Offcr	2,075.47	Summer Youth Program	0.00
Court Imp Proj	593.67	Dom Vlnc Prevent	1,235.36
COPS 99	6,072.09	FDA Inspection	27.54
Capital Projects	9,166.64	Sedona Air-Taxiway	355,039.72
ALTCS	159,298.02		

In addition, payroll was issued on October 22 for the pay period ending October 16; warrant numbers 2378248 through 2378820, in the amount of \$375,438.88. Jury certificates were also issued, warrant numbers 6842773 through 6842931; 6842932 through 6842942. Warrants issued for November 1 Board day, 4114487 through 4114916; 4114917 through 4115299.

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

ATTEST:

_____Clerk _____Chairman