

OFFICE OF BOARD OF SUPERVISORS
YAVAPAI COUNTY, ARIZONA

Prescott, Arizona

September 26, 2001

The Board of Supervisors met in special session on September 26, 2001.

Present: Gheral Brownlow, Chairman; Lorna Street, Vice Chairman; Chip Davis, Member; Bev Staddon, Clerk.

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

ITEM NO. 1. Present certificates to Medical Assistance eligibility employees who will become state employees on October 1, 2001. Certificates were presented to the following employees: Deborah Axtell, Lurine Dalzell, Amy Hays, Marilyn Manning, Betty O'Reilly, Joann Rhodes, and Grace Scheppel. The Board thanked them for their contributions to the County.

ITEM NO. 2. Board of Supervisors.

1. Consider approval of land purchases in the Prescott Valley area, including a half-cent sales tax program purchase for Fain Road right-of-way, and authorize the Chairman to sign related documents. Half-cent sales tax project. Public Works Director Richard Straub and Regional Road Program Manager Phil Bourdon participated in discussion. Mr. Holst provided the Board with a brief overview of the proposed purchases, pointing out that with the exception of 20 acres at the new Fairgrounds and four acres in the Prescott Valley Town Center area, all other purchases were related to right-of-way for Fain Road. Mr. Bourdon told the Board that the price listed in the draft purchase agreement matched the estimated right-of-way cost that had been included in the Regional Road Program budget for Fain Road. Mr. Holst said that the survey and legal description work for one of the parcels, the Fain Offices Property, was still being worked on and that since it was expected to be completed soon he would like the Board to authorize the Chairman to sign any documents related to that purchase as well. He said that ADOT would reimburse the County for 75% of the cost for right-of-way associated with Highway 89A. During brief discussion regarding the existing storage facilities at the Fain Offices Property, Mr. Hunt said the Board would need to honor the existing contracts for storage. In response to a question from Daily Courier reporter Joanna Dodder, Mr. Holst said that only the right-of-way purchases would be paid for from half-cent sales tax funds. Supervisor Davis moved to approve the land purchases as identified in the draft agreement and authorize the Chairman to sign related documents. Supervisor Street seconded the motion, which carried by unanimous vote.
2. Consider creating an Executive Committee of the Local Workforce Investment Board, and appoint three private sector representatives from each supervisorial district to serve on it. NACOG Economic-Workforce Development Director Teri Drew participated in discussion. Upon a motion by Supervisor Davis, seconded by Supervisor Street, the Board voted unanimously to approve the creation of an Executive Committee of the Local Workforce Investment Board. Upon a motion by Supervisor Davis, seconded by Supervisor Street, the Board voted unanimously to appoint the following individuals to the Executive Committee: Bob Armbruster, Fred Brown, and Larry Watson, all from District 1; Ed Maestro, Bill Pierce, and Jerry Winters, all from District 2; Elaine Bremner, Lou Rangel, and Don Troutman, all from District 3. Supervisor Davis said he felt the persons appointed to the Executive Committee represented a wide spectrum of employment and that the Committee would be well-rounded.
3. Discussion and possible action regarding allocation of funds and identification of specific forest projects under PL 106-398. Following a brief review by Mr. Hunt, Supervisor Davis moved to allocate \$92,733 for the current Forest Patrol Deputies, and \$31,600 for the Search & Rescue Communications Equipment in the Sheriff's Office, and leave any balance in the total allocation to roll over to next year. Chairman

Brownlow said he would not second the motion. He said he agreed with allocating money for the mobile command post, but that Emergency Services Director Nick Angiolillo had specified in a report the need for fire reduction and that he would like to see funds allocated toward that effort. Supervisor Street said she felt the funds should be used for short-term projects instead of for projects which would ongoing. Supervisor Davis' motion died for lack of a second. Supervisor Davis said the taxpayers were funding the Forest Patrol Deputies and that this would be a way to return money to the General Fund and lower taxes. He said he also agreed with allocating funds for the mobile command post. In response to a question, Major John O'Hagen said the mobile command post had been obtained as the result of a drug seizure and that volunteers had been working to outfit it as a mobile command post for search and rescue or emergencies. Following additional brief discussion, Supervisor Street moved to approve the allocation of \$75,000 to the current Forest Patrol Deputies and \$31,600 to the Search & Rescue Communications Equipment (mobile command post), with any remaining balance to be held over. Supervisor Davis seconded the motion, which carried by unanimous vote. No comments from the public.

ITEM NO. 3. Public Works Director Richard Straub. Consider approval of the following items, all of which are half-cent sales tax projects:

1. Consider approval of a resolution to take by eminent domain land needed for right-of-way for Butterfield/Heather Heights Road, Prescott area. Resolution No. 1308 was approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Street. No comments from the public.
2. Request for permission to purchase parcel 402-14-019E for the extension of Bradshaw Mountain Road, Dewey area. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Davis. No comments from the public.
3. Consider approval of a purchase agreement and fees for necessary right-of-way for the Heather Heights project, Prescott area. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Street. No comments from the public.
4. Consider approval of On-Call Contract and Authorization of Services #018879 with Civiltec Engineer, Inc. in an amount not to exceed \$35,230 for Hays Ranch Road/Model Creek Low Water Crossing Design Services, Peebles Valley area. Funded jointly with Flood Control District. Approved by unanimous vote, after Mr. Straub confirmed that there was no new money being used for this project. Motion by Supervisor Street, second by Supervisor Davis. No comments from the public.
5. Consider approval of an Extension for Completion of Services to Authorization of Services #0010112 with Cannon & Associates, Inc. until October 31, 2002, for Professional Services for a Corridor Study for Iron Springs Road (Gail Gardner to Williamson Valley Road) and Williamson Valley Road (Iron Springs Road to Pioneer Parkway). No additional funds required. Following brief discussion regarding the reasons for the delay in completion of this project, the Board voted unanimously to approve the request. Motion by Supervisor Street, second by Supervisor Davis. No comments from the public.
6. Consider approval of Change Order #3 with SPE Systems for Tenderfoot Hill Road Construction Project, Yavapai County, Arizona, Project #963137, in an amount not to exceed \$5,280.71. Approved by unanimous vote, with no comments from the public. Motion by Supervisor Davis, second by Supervisor Street. Mr. Straub pointed out that the contractor would be paying liquidated damages on the project for failure to complete the project on time.
7. Request for permission to proceed with negotiated intergovernmental agreement with the Yavapai-Apache Nation and Town of Camp Verde for design and construction of Montezuma Castle Highway. Mr. Straub told the Board that the Tribe had received a grant to improve a portion of the highway and that the Town of Camp Verde was also going to be improving its portion of the road. He said that the County had been asked to be the lead agency to coordinate the projects in order to ensure a continuous project, and that \$176,000 had already been approved in the Regional Road Program budget for the Camp Verde project. He said he did not know at this time what the total cost would be, and that a meeting with the two entities was planned for next week. Supervisor Davis said he would like to see the County involved in this project and that he was willing to juggle funds in half-cent projects in District 3 to make it work. Supervisor Davis moved to approve the request, which included using the \$176,000 in budgeted funds for preliminary engineering. He said there had been strained relations between the Tribe and the Town of Camp Verde and that this was an attempt to bring the two together, and that it would also save on costs. Supervisor Street said she understood the situation but that she had a concern in general with the deficit the County was looking at. She said that with the state's problems, she was even more

concerned and that she would like the Board to have a very careful and thorough discussion of the situation. Supervisor Street said it was possible the Board might need to look at cutting back on projects until it has more information about how much money it will have. It was suggested that a discussion of the half-cent sales tax program be included on the agenda for the Board's retreat in October. Supervisor Street seconded the motion, which carried by unanimous vote. No comments from the public.

ITEM NO. 4. Study session for discussion only regarding down zoning of property. Deputy County Attorney Randy Schurr and Development Services Director Ken Spedding participated in discussion of this item. Also participating were Dewey resident Lydia Chapman; Dava Hoffman of Dava and Associates; and Williamson Valley resident Pat Acosta. Mr. Schurr told the Board that as part of the Growing Smarter Act the state legislature had said that counties cannot rezone property if it restricts the use or reduces the value without the consent of the property owner. He said this restricted the ability of counties to properly plan. Mr. Schurr said there were some serious legal problems with the restriction, and that several counties had decided to challenge the constitutionality of the law. He said that Coconino and Pima counties actually did challenge the law, but were unsuccessful because they had no specific case. He said that Pima County had since intentionally down zoned some property, and that the court had thrown out the restriction in that case. He said the effect of the case did not extend beyond Pima County at this time, but that he expected it to go on to the Division 2 Court of Appeals and possibly the State Supreme Court, but that based on this case he believed Yavapai County could take the position that the law was unconstitutional and that it could down zone properties where appropriate to do so. Mr. Schurr said that taking such action would likely result in a lawsuit, but that such action was to be expected. Supervisor Davis spoke of the Big Chino Basin and the pumping of water to the Prescott area. He said the Board also needed to look at state lands and the uses associated of them. Mr. Spedding said one of the goals that his department is working on is a tiered subdivision process but that they will be working the next year toward accomplishing different goals for saving resources and moving forward with new ideas.

ITEM NO. 5. Study session for discussion only of homeowner and community organization input with regard to County issues, including planning and zoning issues. Development Services Director Ken Spedding and County Civil Attorney Randy Schurr participated in discussion. Mr. Spedding spoke of the different levels of organizations wishing to input their views and that individuals coming forth had all indicated that they were in charge of their areas and carried the views of all of their constituents. Mr. Schurr said he had been approached about the licensing of organizations but cautioned the Board that this action would make these organizations an advisory committee of the County. Mr. Spedding spoke of the meetings his staff had attended in the communities where the individuals who would be most affected by a change were against a project yet the community as a whole were for a project to be approved. Chairman Brownlow stated he wanted assurances that community meetings being held were well advertised and opened to the public. Lydia Chapman, Pat Acosta, Doug Iverson, Lou Smith, Georgina Lockwood, Al Tripp and Terry Nolan also participated in discussion on their various organizations. Dava Hoffman of Dava and Associates said she had a list of some of the organizations and would welcome more organizations to add to that list. Chairman Brownlow noted that he thought the three community organizations at today's meeting were well organized groups.

ITEM NO. 6. Study session for discussion only regarding the use and management of the Mackin Building at the old Fairgrounds. Mr. Holst said at this point, the Mackin Building had been included in the architect plans as training space and he was looking at some direction from the Board for the use of this building. Supervisor Davis requested information about what buildings the County rents and what buildings are available at the old fairgrounds for use and said we needed to take care of the County's business first. Supervisor Street said she wanted a general meeting to take place between the Board and the architects. Mr. Holst said the architects were doing the master plan for the new building and did the Board want the whole properties buildings included in this plan.

ITEM NO. 7. Study session for discussion only of an enterprise zone in the Prescott Valley area. Executive Director of the Prescott Valley Economic Development Foundation Gary Marks and Town of Prescott Valley

Manager Anthony Mortillaro presented this item. Mr. Marks explained to the Board about the multi-districting zones between the jurisdictions and about the forming of the Enterprise Zone. He said there are 22 zones in the state at this time and that forming a zone would help poverty areas. Mr. Marks spoke of the requirements to form the enterprise zone saying there are pockets here and there that meet the requirements but that this had to be completed by October 31, 2001, or this zone could not be done for another year. Chairman Brownlow asked Mr. Hunt if there would be any liability for the County in which Mr. Hunt replied that there would be as the Board would have to appoint a commission or be the commission themselves. Mr. Marks said they had put together a plan that included a portion between Prescott Valley and Humboldt. Terry Nolan and Lydia Chapman also participated in the discussion. Mr. Mortillaro said any funds expended now would bring in more money later with new business ventures and jobs. He said it would also help existing businesses to expand. Supervisor Davis said he is against any program that entices businesses to start in Yavapai County for funding. Mr. Marks said they were trying to take advantage of a program to compete with the rest of the state. Supervisor Street questioned the use of the 69 Highway Corridor. Mr. Marks responded that all of the business growth is following the corridor. Mr. Mortillaro said the property has to be zoned right for any business growth. Mr. Marks said they would need an answer of the Board's feelings as they are on a deadline in which Supervisor Street answered she needed more time to digest the information and would not be making a decision today.

ITEM NO. 8. Request from County School Superintendent Paul Street for permission to use approximately \$11,000 in grant funds for tuition plus per diem expenses and travel for out of state training for Cisco certification for Ken Shuck. Approved by unanimous vote, with no comments from the public. Motion by Supervisor Davis, second by Chairman Brownlow.

Chairman Brownlow announced the meeting was adjourned.

ATTEST:

_____Clerk _____Chairman