

BOARD OF SUPERVISORS MINUTES WITH SUPPLEMENTAL TRANSCRIPT
(Where a supplemental transcript is available, it is printed in bold type)

OFFICE OF BOARD OF SUPERVISORS
YAVAPAI COUNTY, ARIZONA

Prescott, Arizona

February 17, 2004

The Board of Supervisors met in regular session on February 17, 2004, in Cottonwood, Arizona, at 9:30 a.m.

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

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

Clerk's note: A copy of these minutes with a supplemental transcript is available in the Office of the Clerk of the Board of Supervisors and is also available on the County website.

ITEM NO. 1. Board of Supervisors.

1. Consider revisions to the Regional Road Construction Program. Chairman Davis moved to amend the Regional Road Construction Program to strike the portion that requires a unanimous vote for project approval. Supervisor Brownlow seconded the motion, which carried by a 2-to-1 vote, with Chairman Davis and Supervisor Brownlow voting "Yes" and Supervisor Street voting "No."

Chairman Davis said he had asked to have this item placed on the agenda in order to discuss and possibly take action regarding the unanimous vote provision of the Regional Road Construction Program. He said there were a number of things that the Board was mandated to approve by unanimous vote and that he would like to see the Regional Road Construction Program changed to allow the Board to approve things related to that program in the same manner it does most of its other business, by a majority vote. Supervisor Street asked Chairman Davis why he wanted the change. Chairman Davis said he wanted the change so that the Board could move forward on any projects that might be held up because of a lack of a unanimous vote. He said that the unanimous vote provision could be used for retaliation or to hold up an individual Supervisor's projects. Supervisor Brownlow referred to an article in the February 16, 2004, Daily Courier regarding this issue, saying that the article had quoted former Supervisor Bill Feldmeier and that he believed there was some misunderstanding about what Chairman Davis was asking for. He said it had taken a unanimous vote to implement the half-cent sales tax, and that Yavapai County was one of the last counties in the state to implement that tax. Supervisor Brownlow said that after a great deal of discussion with the Board's administrative team, the Board had decided to use the half-cent sales tax revenue for regional roads and also to use some of it for property tax reduction. He said he would hate to see the Regional Road Construction Program go away, and that he thought it would take a unanimous vote in order to do that but that within the framework of the program he had thought for quite some time that the Board should change the unanimous vote requirement for approval of projects. Chairman Davis said he agreed that what happened with the money within the framework of the Regional Road Construction Program did not have to be approved by unanimous vote, and he asked about changing the percentages of distribution within the program and whether that should be done by unanimous vote. Supervisor Brownlow said he believed that particular aspect of the program and how to handle it warranted more study. Chairman Davis said he thought it should be the same as approval for projects, and accomplished by a majority vote. Supervisor Brownlow said that as long as the majority of the half-cent sales tax revenue was kept in the Regional Road program he would be happy. Supervisor Street said the reason she had asked why Chairman Davis wanted the change it was because if someone wanted to do a project it would not require a unanimous vote. She said she did not know anything about the newspaper article to which Supervisor Brownlow had referred, but that she had called Mr. Feldmeier and also former Supervisor Carlton Camp and that she had also read the minutes of past meetings related to this issue. Supervisor Street said she thought the idea behind the Regional Road Construction Program was that it would be a consensus-building activity and that all the cards would be on the table. She said that the unanimous vote requirement was promised to the citizens so there would be some assurance that one area of the County would not receive all of the money. She said that the

unanimous vote was described in the program to mean unanimity among all three Board members and not just a unanimous vote by the members at any given meeting. Supervisor Street said that the legal counsel at the time had said the unanimous vote requirement was both appropriate and legal, and that if it was true that the actions of prior Boards did not matter then she questioned where that left the current Board in terms of everything it did. She said that the program had been in effect for 10 years and that during that time District 1 had received \$15.8 million in half-cent sales tax revenues, with District 3 receiving \$17.3 million in revenues and District 2 receiving \$2.8 million. Supervisor Street said that if projects like Fain Road and certain other projects that were shared by Districts 1 and 2 were combined it came to about \$25 million and that even if that was split District 1 would have received \$28 million and altogether District 2 would have received \$15 million based on a 50/50 split. She said that the resolution and the Regional Road Construction Program were developed over time, that they were discussed thoroughly over a three-month period, and that there was public input. Supervisor Street said there was a promise by the Board that the money would be used only for roads and that it would benefit all areas, that it was not to be determined by political boundaries, that there would be a unanimous vote on every issue, and that it would take a unanimous vote to eliminate the tax. She said she realized that times and needs change, but that the Board needed to do more than have a knee-jerk reaction. She said the Board had supported the program as written for the last 10 years and that she did not know why a change was being suggested now. She said that eliminating the unanimous vote and transferring funds to the Jail was tantamount to destroying the program. Chairman Davis said the Board worked on a consensus basis in everything it did, and that if it was to stop progress on every issue that did not receive a unanimous vote things would bog down. He asked where the diversity would be if the Board had to reach a unanimous decision on every issue, adding that the Board had to be able to move forward on things. He said that the next Board could amend whatever action the Board took on this day, and that there had never been discussion about doing away with the Regional Road Construction Program. Chairman Davis asked Mr. Hunt and Mr. Holst if it was true that the next Board could amend whatever action the Board took on this day. They both replied that it was true. Supervisor Brownlow said that when the program was first implemented the Board had asked each community in the County what it needed, and that Chino Valley had asked for assistance with Reed Road and Seligman had asked for improvements to old Route 66. He said he was not sure what District 2 wanted done. He said that most of the regional road projects undertaken in District 1 had also assisted District 2 residents and that projects like Fain Road and the Airport Connector moved people back and forth. Supervisor Brownlow said he did not think there was an entire road that could be done in District 2 as far as regional roads were concerned, and that he thought things were going well with the program. Chairman Davis said he thought the half-cent sales tax was so close to a 1/3 - 1/3 - 1/3 distribution among the Supervisor districts that he did not know what staff could do to get it any closer. Chairman Davis then called for comments from the public and hearing none called for the vote. In casting a "No" vote, Supervisor Street said she did not believe in changing the policy. She said she assumed that the change would take effect immediately. Chairman Davis said that was correct.

2. Consider approval of items appearing on the Consent Agenda and on the Consent Agenda for Special Districts. With the exception of Items 1.b., 3.b., and 4. on the Consent Agenda for Board of Supervisors and Item 2.a. and b. on the Consent Agenda for Special Districts, all items were approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public. See Consent Agenda for details.

ITEM NO. 2. Public Works Director Richard Straub. Assistant Public Works Director Phil Bourdon participated in presentation and discussion of these items.

1. Award or reject bids for the S.R. 179 Left Turn Lane at Beaverhead Flat Road, Project #2112132. Bids opened on February 3, 2004, with bids received from the following vendors: C&E Paving & Grading, LLC, \$257,998; Caitlin Construction, Inc., \$306,035.70; Silver Eagle Western LLC, \$313,500; Tiffany Construction Company, Inc., \$344,999.50; EME West Construction, Inc., \$352,571; Combs Construction Company, Inc., \$356,731; Asphalt Paving & Supply, Inc., \$357,704.03 and Fann Contracting, Inc., \$417,187. Recommend awarding bid to C&E Paving & Grading LLC for \$257,998. Half-cent sales tax project. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public.

2. Consider approval of a road widening project on Chipmunk Hollow, Lake Montezuma area for the amount of \$10,000 and approve Authorization of Services #2412766 with Frank Strickler Appraisal Company for the Chipmunk Hollow Road Widening Project Appraisal Services, in an amount not to exceed \$2,500, to be paid from HURF Funds. Area Roads Superintendent (District 3) Bob Tate and Verde Valley resident Curt Garner participated in discussion. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow.

Mr. Straub explained that this was an upgrade project to take a road from dirt to blacktop. He said there was a very steep portion of road involved and that for safety reasons it would be necessary to widen the road beyond the right-of-way limits. He told the Board there were three lots involved and there was a possibility that eventually the County could combine the lots and build something on them. He said that once he had a price for the lots he would come back to the Board. Supervisor Street said it appeared that the \$10,000 was coming from one account and the \$2,500 was coming from another account. Mr. Straub said that was correct, and that he believed one amount was from the right-of-way account while the other was from a project account. Mr. Garner asked if it would be possible to install guardrails instead of widening the road. Mr. Tate said he believed guardrails would need to be installed regardless.

3. Consider approval of a right-of-way project for Jerome-Perkinsville Road, Jerome area. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.

Mr. Straub told the Board that the County had perfected ownership through the national forest but not on the private portions of the right-of-way, and that he would like to move forward with that as a right-of-way project. Chairman Davis noted that this road pre-dated statehood. Supervisor Street asked Mr. Straub if he had attempted to obtain the right-of-way in the past. Mr. Straub said not with regard to the private property. Supervisor Street said she had looked it up and that there were just four property owners involved. She asked Mr. Straub why he felt the County needed the right-of-way. Mr. Straub said he would like to secure right-of-way on all of the roads the County actually maintains, and that from a liability standpoint it was better for the County to own the right-of-way. Supervisor Street asked if this was going to be a County-wide project to secure right-of-way for all of the roads the County currently does not have right-of-way for. Mr. Straub responded that for the past 10 years his department had been working on identifying what the County had and did not have in terms of right-of-way and working to secure that which it did not have. He said it was a project that would probably go on for the next 50 years. Supervisor Street said that if the County was going to start securing right-of-way for all of its roads it would usually mean having to pay people money. Mr. Straub said that if the County did not own a road people could tell the County to get off the road, and that such things had indeed happened. Supervisor Street said she just wondered why this was being done on a road that goes through the forest and that no one lived on.

4. Consider approval of an intergovernmental agreement with ADOT for S.R. 260 improvements. Camp Verde Mayor Mitch Dickinson participated in discussion of this item. Supervisor Brownlow moved to approve Resolution No. 1434 authorizing the development of an intergovernmental agreement with ADOT for S.R. 260 improvements. Chairman Davis seconded the motion, which carried by unanimous vote.

Mr. Holst referred the Board members to a memo in their packets explaining the proposed agreement, saying that the ADOT Board would be considering the Highway 260 project at its meeting on February 20, 2004, in Thatcher. Chairman Davis said that S.R. 260 had been a priority for the state and had been in process since the late 1980s, that it had been included in some of the tentative five-year plans for improvement, but that due to a change in the funding formula it was being put off. He said he and staff had been working for six years to try to move the project forward, and that for the last two years he and staff had attended every ADOT Board meeting around the state and had met with ADOT staff and ADOT Board members and had tried everything possible to get the S.R. 260 project into ADOT's plan. He said that finally the idea came up to offer to secure a loan on the state's behalf, with the County paying the interest on the loan and the state repaying the principal. He said there would be three phases of construction and that a plan had been worked out for the state to repay the principal and that this information was in the agreement before the Board on this day. Chairman Davis said that S.R. 260 was the main transportation corridor in the Verde Valley,

that it carried a great deal of traffic and that there had already been too many deaths on the road. He said he was happy that the County had come this far and found a solution to the problem and that the agreement would allow the project to move forward. He said he believed it was a very good deal for the County taxpayers, and he pointed out that in agreements with ADOT for road improvements in the tri-city area the County had paid about 26% of the cost whereas the County would be paying between 12% and 16% for the S.R. 260 project. Chairman Davis said there was still some tweaking to do with the agreement. Supervisor Street asked Mr. Holst if the interest payments would be secured to certain County properties, and she also asked for explanation of a legislative bill related to this type of agreement. Mr. Holst said the County's bond consultant had said that it would be necessary to secure the payment, and that this would be similar to the certificates of participation that counties use to bond for other types of improvements such as facilities. He said that the legislative bill would enable the County to sure the interest payments against its sales tax revenues and that it would make the process much simpler. Mr. Holst added that if the legislative bill passed, the County would only have to secure the first \$4 million in interest. Supervisor Street asked what the difference was between this proposal and the HELP loan. Mr. Holst said that HELP loan did not require the County to secure the interest. He added that there was no more money available through HELP loans for rural Arizona. Chairman Davis said he had tried to get a HELP loan for the S.R. 260 project. Supervisor Street asked where the County would get the money for this project. Mr. Holst said it would come through the marketplace and that a company would assist the County in securing the financing and selling the bonds. Supervisor Street said she realized that the Board's action earlier on this day meant that she did not have a vote, but that she was still curious about the project and that it was a lot of money. She said the agreement ran until 2012, and that the Board was not only saying it would bind the future Board of Supervisors until 2008 but that it would be bound after that time. She said these were some of the concerns she had had all along the line. She asked what would happen if the next Board decided to do away with the Regional Road Construction Program. Supervisor Street asked if the County had \$4 million to spend. Chairman Davis said no, that the County would be asking to borrow that money. He said that the project would be done in consecutive phases and that it would be a seamless project. Supervisor Street asked if it was true that the state would not pay the County back until 2007, and she asked why there was no payment in 2008. Mr. Holst said the payment schedule was tied into ADOT's five-year plan and that the schedule was developed according to how it would work for ADOT. Supervisor Street asked how the County would pay the interest. Mr. Holst said that District 3 would budget for the interest payments from its half-cent sales tax funds, and that this would be the first budget priority for District 3. Supervisor Street said one of her concerns was whether there would be enough money generated by the sales tax to meet the obligation on the S.R. 260 project and still not short other projects in the event times got tough. Supervisor Brownlow asked Supervisor Street what other projects she had in mind, saying that if the S.R. 260 project was approved it would probably stop other Verde Valley projects for a while. Chairman Davis said this project would not take up all of the revenue. He said that the Verde Valley Transportation Planning Organization viewed the S.R. 260 project as a priority. Mr. Holst said this project would take less than half of the sales tax revenue for District 3, and that it would cost \$5 million to \$7 million to secure \$41 million in improvements over the next several years and that it fit right in with Verde Valley plans for regional roads. Chairman Davis said that one of the nice things about the project was that ADOT could build it without have to cause major disruption to the existing highway. He added that property costs along the S.R. 260 corridor had risen three-fold in the last few years. Supervisor Street said her concern did not have anything to do with projects, but that when the County took out a loan everyone in the County would be responsible for paying it back. She said the road was a state highway and that if the County was going to help pay for it she would like to know what Camp Verde and Cottonwood were doing to help. Mayor Dickinson said there would be a great deal of building going on along the highway corridor, and he cited the Out of Africa project as an example of a development that would draw a great amount of traffic. He said the S.R. 260 corridor was the economic pipeline of Camp Verde's future and that growth and traffic were coming. Mayor Dickinson said there were things Camp Verde could do to make sure that the growth was handled in a responsible manner. He said there was not much that Camp Verde could bring to the table in terms of financing at this point, but that it had created a general plan that would help to attract manufacturing and development in that area and that this was important because the sales tax money generated by such development would benefit the County. He told the Board that

most economists were predicting economic growth over the next seven to eight years and that if a proactive approach was not taken and development occurred anyhow the Verde Valley would have a worse situation on its hands and so would ADOT. Mayor Dickinson said the Town of Camp Verde was very supportive of the proposed agreement between the County and ADOT and that he hoped at some time in the future the Town would be able to come to the table with some financial assistance. Supervisor Brownlow said he had been approached by ADOT Regional Engineer Tom Foster about this project in recent days. He told Supervisor Street that when she was in Yuma she had voiced concerns about shutting down the S.R. 260 project, and that Mr. Foster had come to him and asked what was going on when the state had done so much planning for the project and now it appeared that there was not going to be support from the Board of Supervisors. He said he had been concerned from day one of the Regional Road Construction Program that this would happen some day with one hard-headed Supervisor trying to shut down a project. Mr. Hunt noted that approval on this day was of a resolution for development of the intergovernmental agreement. Supervisor Street said that, in the first place, she was not opposed to the S.R. 260 project and that she had never been against it. She said the project was just indicative of a lack of essential communication on projects. Supervisor Street said she felt that she had the right to ask a question without someone charging her with being challenging, and that she had the right to make a statement without being declared negative. She said that just because she disagreed sometimes with anyone else it did not mean that person was right and she was wrong. She said she had received very little information about the S.R. 260 project, that she was voicing a concern and that she believed it was her job to do that. Supervisor Street said she had never disagreed with the fact that S.R. 260 needed to be fixed. Chairman Davis said he wanted to remind the Board that it had never censored anyone's comments. He said that if an agenda item was on for a study session or a regular meeting or a retreat then it was there for discussion. He said he thought that for a Supervisor to sit on his or her concerns until the day an item comes up for approval was a little too late. Supervisor Street said the Regional Road plan was adopted on November 4, 2003, and that she did not find S.R. 260 on it. Chairman Davis said that was why the Board was here on this day. Supervisor Street said the Regional Road plan was dated November 4, 2003, and that the memo from Mr. Hunt about changing the unanimous vote requirement was dated November 24, 2003. She said there was legislation in place and she just did not think there was much of a team spirit here, and that her concern had always been the money.

5. Consider approval of item appearing on the Consent Agenda for Public Works. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.

CONSENT AGENDA FOR PUBLIC WORKS: Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.

1. Award or reject bids received for Hauling and Recycling of Passenger, Off Road and Semi Truck Tires for Yavapai County, Contract #2413788. Bids opened February 3, 2004, with one bid received for this project from Specialty Loaders LLC. Recommend awarding bid to sole bidder in the following amounts: Passenger tires with or without rims, \$93.90 per ton; off road tires with and without rims, \$139.95 per ton; semi truck tires with rims, \$139.95 per ton and semi truck tires without rims, \$93.90 per ton. To be paid from Waste Tire Fund.

ITEM NO. 3. Medical Assistance Director Mona Berkowitz. Discussion of Medical Assistance- Long Term Care Update of Programmatic and Financial Status. Medical Assistance Business Office Manager Becky Ducharme participated in presentation and discussion.

Ms. Berkowitz said this had been a challenging quarter for her department, and that she wanted to let the Board know about it as soon as possible. Ms. Ducharme provided information about membership in the Long Term Care program over the last 10 years, saying that as of December 2003 there were 1,055 members in the program and that that number was actually down a little bit from the previous year. Chairman Davis asked why it was lower. Ms. Berkowitz said she did not know, and that the figures had been somewhat flat over the last three years. She said that the average growth in membership was about 8% to 9% but that in 2001-2002 there was a 15% increase and then it leveled off. She said that Proposition 204 was a factor, but that it had to do mostly with acute care and that most of the people in the Long Term Care program were 65 years or older and physically disabled. Ms. Ducharme said that when the Long Term Care program first began there were high levels of people being

institutionalized and that now about 60% of the people in the program were in Home and Community Based Services (HCBS). There was brief discussion regarding how many other counties were involved with long term care programs and there was brief discussion regarding the capitation rate, which Ms. Berkowitz said included everything a person needed to be properly cared for. She told the Board that the County was currently receiving \$2,400 per month per member and that that figure represented a 29.4% increase since the 1993-94 fiscal year. Supervisor Brownlow asked if the program had to pay more for nursing home care. Ms. Berkowitz said absolutely, and that those costs ran about \$3,500 to \$3,600 per month while HCBS costs were about \$1,500 to \$1,600 per month. She said the key to a profit margin in the program was the projected HCBS as opposed to the actual HCBS and that for many years the program had been receiving revenue because of the difference between capitation and HCBS costs. She added that currently the program had a savings account of about \$2.1 million to fall back on. Chairman Davis asked what criteria AHCCCS used to forecast costs. Ms. Berkowitz said she did not know, but that the County had never reached 60% on projected costs and that AHCCCS had adjusted that figure to 62.5%. Mr. Holst said the discussion on this day was for purposes of orientation and that this issue would come back to the Board in a couple of months with an update on whether things were improving or getting worse, and that Ms. Berkowitz would also have numbers from the state by that time. Ms. Berkowitz said there were more people in nursing homes right now and that she was looking for ways to move more of them into HCBS, but that for every three people they were able to move out of a nursing home there were seven more coming in. She told the Board she believed that she believed a saturation point had been hit and that she would not be able to move a lot of people out of nursing homes. Chairman Davis said it was strange that, given the growth in the County, the program was in decline. Ms. Berkowitz said part of the reason could be attributable to younger retirees who are more affluent and do not need assisted care.

ITEM NO. 4. Development Services Director Ken Spedding and Assistant Development Services Director Enalo Lockard. Planning and zoning. Planning & Zoning Commission member Curt Garner was present to represent the Commission.

1. Consider approval of items appearing on the Consent Agenda for Planning and Zoning. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public.
2. Hearing: Consideration of adoption of the following Building Codes: Yavapai County Administrative Code (2003); International Building Code (2003); International Residential One and Two Family Dwelling Code (2003); International Plumbing Code (2003); International Mechanical Code (2003); National Electrical Code (2002); International Fuel Gas Code (2003); International Property Maintenance Code (2003); Yavapai County Grading Ordinance (2003); and repealing Ordinance 2002-9 (Uniform Fire Code 1997) for the Urbanizing Zone of the Unincorporated areas of Yavapai County, Planning & Zoning Commission, #3166. The Planning and Zoning Commission recommended approval of the Adoption of the 2003 Building Codes, as proposed. Mr. Lockard noted that the language "as well as commercial, industrial and other areas specified by the Board of Supervisors" needed to be included as part of the last sentence of the agenda item. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public.
3. Hearing: Final Site Plan, Park Plaza at Las Piedras, 405-34-009J, R, S, U, 010D and 015V, 405-28-386B & C, Village of Oak Creek area, Terri Raymond, SOM Associates, Inc., agent for Sedona Diversified Properties, Ltd., #3146. Consideration of a final site plan for residential services in a PAD (Planned Area Development) zoning district on approximately 4.25 acres to include 60,000 square feet of floor area. Residential services may include, but is not limited to, professional offices, administrative offices, and personal services within enclosed buildings. Located immediately west of the Las Piedras subdivision on the Southeast corner of Avenida de Piedras and Highway 179 in the Village of Oak Creek. SEC 24 TWN 16N R 5E G&SRB&M. The Planning and Zoning Commission recommended approval of H3146, Final Site Plan for Park Plaza at Las Piedras, as proposed with the following Stipulations: 1). The Development shall be in conformance with the Final Site Plan revised 1-7-04 and Letter of Intent dated 1-7-04; 2). The parking areas identified as Reserve Parking shall be landscaped. When determined by the Yavapai County Land Use Unit that additional parking is required, these areas shall be paved and striped in accordance with Section 602. A sidewalk shall be constructed to safely convey patrons to the Park Plaza complex from the parking area known as Tract A; 3). No offsite signage will be allowed. Free standing monument signs shall be limited to 2 signs that do not exceed 24 square feet total and do not exceed 10 feet in height. Signs shall be located outside of the ADOT right-of-way. Additional signage is permitted attached to each building per

RS Zoning requirements; 4). Requirements and guidelines of the Sedona Fire District shall be met; 5). A Drainage Report conforming to the requirements of the Yavapai County Drainage Criteria Manual shall be submitted prior to or at the time of any zoning clearance, grading permit, or building permit applications on these properties; 6). Private Clubs / Lodges as called out in Section 415.E of the Yavapai County Zoning Ordinance shall not be permitted in phase II, i.e. Buildings 6 & 7; 7). An Administrative Review with Comment period shall be required for any use outlined in Section 415.B and 415.E; 8). Certificate of Compliance to be issued within 24 months of Board of Supervisors approval, for the first development unit, confirming that all stipulations have been satisfied and the use is operating in conformance with all approvals, and in conformance with all other applicable County, state and Federal regulations or the Final Site Plan shall become null and void; 9). Waiver of common ownership requirement of zero lot line development and minimum lot size requirement for some uses. Judith Cooper, representing the Big Park Coordinating Council, participated in discussion of this item. Upon a motion by Supervisor Street, seconded by Supervisor Brownlow, the Board voted unanimously to approve the recommendation of the Planning & Zoning Commission.

4. Hearing: Use permit expansion and extension of time for the continued operation of weekend outdoor art and craft sales, Bell Rock Plaza Art Shows, 405-27-818, Village of Oak Creek area, Barbara Witteman agent for Bell Rock Plaza Association, #3162. Consideration for the continued operation of weekend outdoor art and craft sales under portable tents in a C1-2 (Commercial, Neighborhood Sales and Service, 7500 square ft. minimum lot size, 2000 square ft. minimum area per dwelling) zoning district on a 2.35 acre parking lot which serves Bell Rock Plaza. The applicant is proposing to increase the number of shows from 15 to 24 per year, to have 3 day shows, to have more than 2 shows per month and is seeking permanent status of the Use Permit. Located on the Southwest corner of the S.R. 179 / Bell Rock Blvd. intersection in the Village of Oak Creek. SEC 13 TWN 16N R 5E G&SRB&M. The Planning and Zoning Commission recommended approval of H316, Use Permit Expansion and Extension of Time, as proposed with the following Stipulations: 1). Use Permit to be granted on a two year and non-transferable basis and shall be in general conformance to the Letter of Intent dated 11-5-03, Letter dated 12-24-03 and Site Plan dated 11-1-03; 2). The hours of operation shall not exceed 8:00 a.m. to 5:00 p.m. The Art and Craft Shows may be held on Saturdays, Sundays and Memorial Day only; 3). No more than 15 Art and Craft Shows may be held in a calendar year and no more than 2 shows may be held per month; 4). No off site signage will be allowed. Signage shall be limited to 2 signs that do not exceed 24 square feet total and do not exceed 10 feet in height at the locations depicted on the site plan and shall be located outside of the ADOT right-of-way. The signage shall be removed at the conclusion of each event; 5). The dates of the Arts and Craft Shows shall correspond to the applicant's 2004 schedule. A yearly show schedule shall be submitted to the Yavapai County Development Services Planning Department prior to the first of the year. All shows shall adhere to all required stipulations of this Use Permit; 6). No more than 4 of the vendor's self contained recreational vehicles (RV's) shall park overnight in the Bell Rock Plaza parking lot. Vendor RV parking shall be restricted to the area specified on the site plan dated 11-01-03; 7). The portable sanitary facilities shall not be located in a parking place at the entrance area of any business that is open for business on Saturday, Sunday and/or Monday. Sanitary facilities and food service shall be reviewed and approved by the Yavapai County Health Department. Only one food booth permitted per event; 8). A fire lane at least 20 feet wide shall be maintained around the proposed site and through the parking lot. All tent materials shall be fire retardant. Each vendor shall possess a portable fire extinguisher during each show; 9). If additional property owners and/or tenants locate in the Bell Rock Plaza and this addition reduces available parking by 50 spaces or more, the Yavapai County Planning and Zoning Commission shall re-evaluate the Use Permit; 10). Certificate of Compliance to be issued within 3 months of Board of Supervisors approval confirming that all stipulations have been satisfied and the use is operating in conformance with all approvals, and in conformance with all other applicable County, state and Federal regulations or the Use Permit will become null and void. Donna Campbell, Judith Cooper (representing the Big Park Coordinating Council) and Carol Agers participated in discussion of this item. Upon a motion by Supervisor Street, seconded by Supervisor Brownlow, the Board voted unanimously to approve the recommendation of the Planning & Zoning Commission, with the exception that the use permit would be for five years instead of two years.

Mr. Lockard reminded the Board that it had seen this issue a number of times over the past several years, saying that the activity had been a volatile concern of organizations in the area and that the Commission had agreed to allow an extension of two years with the same number of shows instead of what the applicant had requested. In response to a question from Supervisor Brownlow, Mr. Lockard said that most of the concerns were coming from residential associations. He noted that the stipulations provided for no more than 15 shows per year with no more than two shows per month, and that the applicant was asking for a permanent permit. Ms. Witteman told the Board that she did not personally put on the events

but represented the Bell Rock Plaza Association. She said that two years ago she had asked for a five-year permit and that the process she had to go through took six to seven months so a two-year permit was really more like a one and one-half year permit. She told the Board that since her last appearance two years ago, the property taxes on the subject property had tripled and that this was another reason she would like a longer use permit. Ms. Witteman said she had received more than 300 signatures of support as well as the support of the Sedona Business Association. She said that while she would like to cooperate with the homeowners in the area, it was a business corridor and that she thought people might be afraid that outdoor arts and craft shows would begin to pop up all over. She said the fact was that these kinds of events are very difficult to coordinate and that there were not very many places in the Village of Oak Creek area where one could have this type of event. Ms. Witteman said there had not been any violations of the existing use permit and that there had been no complaints. She said she did not see why the opinion of the Village of Oak Creek Association should affect her ability to obtain a County permit. Chairman Davis said the Board tried to work with communities in the County and that each area was considered on its own merits. Supervisor Brownlow asked if the money generated from the events was used to pay the property taxes. Ms. Witteman said that was correct. Supervisor Brownlow asked if the vendors paid sales tax. Ms. Witteman said they did. Supervisor Brownlow asked if the person who organized the event was paid a certain amount. Ms. Witteman said yes, but that it was a minimal amount. She said that merchants in the Plaza supported the shows, that there was nothing going on at the Plaza during the weekends, and that people who participated in the shows stayed in the area and ate at local restaurants. Supervisor Brownlow asked what it cost to apply for a use permit. Ms. Witteman said it was about \$800. Supervisor Brownlow asked Mr. Garner why the Commission had not extended the time of the permit and provided for a review. Mr. Garner said the Commission would have liked to do that, but that it was concerned about the community comments and the fact that the Big Park Coordinating Council was trying to develop a policy about tent shows. Chairman Davis said there were also other factors involved, such as questions about the design for Highway 179. There was brief discussion about the length of use permits and costs involved with obtaining renewals when no changes were being requested. Supervisor Street said she believed that a five-year use permit would be more appropriate. Supervisor Brownlow moved to approve the recommendation of the Planning & Zoning Commission with the understanding that upon renewal of the use permit the applicant would have to pay only 50% of what she had paid for the current renewal. Supervisor Brownlow then withdrew his motion. Ms. Campbell said she was the person who put the shows together, that they were successful and supported the merchants and that they also helped support business in the area. She said she would appreciate it if the Board would allow for some extra shows and that there was a lot of time and trouble involved with having a two-year use permit. Ms. Cooper said she would like to support what Ms. Campbell had said, but that if the applicant had just requested a renewal with no changes it would not have taken any time to process. She said she also believed it should be a five-year permit and that was one of things she hoped would be clarified in the BPCC policy. She said the BPCC supported the position of the Planning & Zoning Commission, and that there had been problems in the area, not with the Bell Rock Plaza shows, but with other unpermitted shows. Chairman Davis asked Ms. Cooper if her committee had discussed a five-year permit for this application. Ms. Cooper said no, because they had not been presented with that option but instead were asked to look at a permanent use permit. Chairman Davis asked Ms. Cooper how she would feel about a five-year permit. Ms. Cooper said that with the new starting time of 8:00 a.m. she would rather see the permit approved as a two-year permit to see how things would go. Ms. Campbell said the hours for the shows were from 10:00 a.m. to 5:00 p.m., but because artists were setting up earlier than 10:00 a.m. the public often showed up early as well and that there was nothing she could do to control that. Ms. Agers said she had been a resident of Big Park for 10 years and a member of the BPCC for nearly as long. She said she had seen many changes during that time, one of which was the proliferation of tent shows in the area. She encouraged the Board to support the recommendation of the Planning & Zoning Commission. Supervisor Brownlow moved to approve the recommendation of the Planning & Zoning Commission, but to waive the fees. Following brief discussion regarding fees, Supervisor Brownlow withdrew his motion. Supervisor Street said she did not think the Board should become involved in waiving fees but that she was in favor of a five-year permit and that it did not sound to her like anyone really had a problem with the application. Ms. Witteman said she agreed with Supervisor Street's suggestion. Supervisor Street noted

that there were only five Commission members present at the hearing on this application.

5. Hearing: Final Plat, Verde Santa Fe, 407-09-105W and 407-37-104, Cornville area, Stephen C. Earl, Earl, Curley and Lagarde agent for Stardust Development, Inc., #3178. Consideration of a Final Plat in order to allow the creation and eventual conveyance of three hundred fifty two (352) single family homes on 85.54 acres in a PAD (Planned Area Development) zoning district for the project known as Verde Santa Fe. Located south of Cornville Road approximately one-fourth (1/4) of a mile east of the Cornville Road/SR 89A intersection. Located in SEC 06 TWN 15N R 4E G&SRB&M. Upon a motion by Supervisor Street, seconded by Supervisor Brownlow, the Board voted unanimously to approve the recommendation of the Planning & Zoning Commission with the addition of the following stipulation: "Applicant to provide an easement for the general public intended for pedestrian and equestrian access over the southwesterly corner of the site to accommodate a connection of National Forest Lands to the West and South. The access easement must be a minimum of 10 feet in width according to Master Trails Plan requirements." There were no comments from the public.

CONSENT AGENDA FOR PLANNING & ZONING:

1. Use permit to allow an outdoor chainsaw saw art production area, outdoor storage and outdoor sales facility, Rimrock Artworks, 405-10-032A, Rimrock area, Phillip and Martha Finton, #3161. Consideration of an outdoor chainsaw saw art production area, outdoor storage and outdoor sales facility in a C1-3 (Commercial, Neighborhood Sales and Service, 7500 square ft. minimum lot size, 3000 square ft. minimum area per dwelling) zoning district on a 0.56-acre parcel. Located on the North side of Beaver Creek Road 1.4 miles East of its intersection with I17 in the Rimrock area. SEC 2 TWN 14N R 5E G&SRB&M. The Planning and Zoning Commission recommended approval of H3161, Use Permit, as proposed with the following Stipulations: 1). The Use Permit shall be non-transferable for a period of three years in conformance with the Site Plan received 1-5-04, Letter of Intent dated 2-7-02 and Addendum to Letter of Intent dated 1-4-04; 2). Requirements and guidelines of the Lake Montezuma/Rimrock Fire District shall be met; 3). All chainsaw carving areas shall be separated from bystanders by a non-accessible barrier and/or other means to assure customer safety; 4). Access to Beaver Creek Road shall be paved. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public.

DEVELOPMENT SERVICES BUSINESS:

1. Hearing: Consider adoption of Valuation and Fees (2004) for Building Permits under the 2003 Building Codes. Chief Building Official Larry Russell participated in discussion. Upon a motion by Supervisor Brownlow, seconded by Supervisor Street, the Board voted unanimously to hold this item in abeyance for a second hearing on March 1, 2004.

There was brief discussion about the fees and the fact that the proposed fees represented an increase of about 25%. Chairman Davis said his number one concern was that people pay what it costs, but that he also did not want to gouge anyone. Mr. Spedding said if his department charged exactly what it cost the fees would be higher.

ITEM NO. 6. Tour of the Mingus Avenue Extension Project.

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

1. Requests from Board of Supervisors:
 - a. Approve minutes of meeting of February 2, 2004 and of special meetings of January 28, and February 10, 2004.
 - b. Approve a resolution establishing a policy regarding the use of cable television franchise revenues. Held in abeyance on February 2, 2004. Public Works Director Richard Straub participated in discussion of this item. Resolution No. 1433 was approved by a 2-to-1 vote, upon a motion by Supervisor Brownlow, seconded by Chairman Davis. Chairman Davis and Supervisor Brownlow voted "Yes" and Supervisor Street voted "No."

Supervisor Street said this was another issue that needed to be looked at. She said there was a great deal of revenue involved and that she would recommend holding it until the Board had more time to discuss it, saying that such a discussion might take place after the budget process. Supervisor Street said that perhaps the Board should view this program as a source of revenue. Chairman Davis suggested approving the resolution on this day and then scheduling discussion regarding the cable television fees at a later date, saying that the

resolution needed to be approved if he was to be able to complete the last two community clean-ups scheduled in his district this year. In response to a comment from Supervisor Street, Mr. Straub said there had been some talk about using vouchers in Lake Montezuma on a trial basis to see how it would work. Supervisor Street said she guessed other people had information that she did not have. She said that people in her communities had asked about vouchers for the transfer stations and that some people who do clean-ups had also asked about free dump passes and that she had told them the County could not do that. She said it was not her intent to use parks money for vouchers for private citizens. Chairman Davis said there had been discussion at the Board retreat in January about solutions for community clean-ups, and that it was Supervisor Street's idea to use parks funds to fill the void. He said he thought that all three Board members agreed on it and that a policy had been drafted. Chairman Davis said that Supervisor Street had wanted the policy tweaked, that it had been changed, and that the policy with the change she had requested was in front of the Board on this day. Supervisor Street asked how much money each Supervisor had for community clean-ups. Mr. Straub said he believed it was \$25,000 for each district. Supervisor Street said that last year the Board had agreed that the clean-ups were successful and worth putting money into, and that it had also agreed to allocate \$25,000 for that purpose for each district. She said her point was that it might be appropriate to take some parks funds to use for community clean-ups, but that she was not on the Board when the parks fund was established and that she was still trying to figure out how all of that had come about. She said she thought that as a favor to Chairman Davis, using the parks fund would be a way for him to find some extra money to help pay for clean-ups and that it was meant to be a one-time solution. Chairman Davis asked Supervisor Street whether the resolution said what she wanted it to say. Supervisor Street said yes, but that she did not want parks funds used for vouchers for individual property owners. Chairman Davis asked Supervisor Street what impact what he did in his district had on people in her district. Supervisor Street said her overall concern was the attitude that Chairman Davis had just expressed. She said that he was a kingdom by himself and that no one else mattered. She said she was trying to do the decent thing and that Chairman Davis had again diluted and polluted it. In making his motion to approve the resolution, Supervisor Brownlow told Supervisor Street that if she wanted to change it during the budget process the Board could talk about it, but that he did not think the Board should leave Chairman Davis out on a limb with regard to the clean-ups he needed to complete. Supervisor Street said she was just opposed to giving individuals vouchers to use the dump for free. Supervisor Brownlow suggested giving it a try to see if it would work.

- c. Approval of Change Order No. 4 with B's Contractors for the Yavapai County Health Building on Commerce Drive for an additional amount of \$12,272.16, and the deductive amount of \$63,120.96 for a net credit to Yavapai County of \$50,848.
2. Requests from Fleet Management:
 - a. Consider approval of a contract extension for Supply and Delivery of Grader Blades in Yavapai County, Contract #6002, with Empire Southwest LLC, until March 17, 2005 at the unit price bid of \$46.69 each (includes taxes and freight). To be paid from existing HURF budgeted funds.
 - b. Consider approval of purchase of two 2004 Chevrolet Blazers, at a cost of \$42,392.14, to be paid from Long Term Care funds.
3. Requests from Finance:
 - a. Approve an intergovernmental purchasing agreement with The Cooperative Purchasing Network (TCPN) for Yavapai County Education Service Agency (School Superintendent's Office).
 - b. Consider approval of sale of a set of Arizona Revised Statutes at a fair market value as allowed by A.R.S. §11-251.56. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow.

Supervisor Street asked what fair market value was and who wanted to purchase the books. Mr. Hunt said the company that conducted the auctions for the County wanted the books and that they would go to a retail outlet operated by that company. He said he believed that fair market value would be whatever a buyer and seller would agree to. Supervisor Street said the County had two methods for selling things. Mr. Hunt said that was true, but that there was also a statute that specifically allowed for this type of sale.

4. Request from Recorder's Office for permission to purchase new office furniture from Corporate Express, at a cost of \$25,000, to be paid from Recorder's Storage and Retrieval Fund. Approved by unanimous vote.

Motion by Supervisor Street, second by Supervisor Brownlow.

Supervisor Street asked whether it was necessary to go out to bid for this furniture. Mr. Holst said the County had a price quote from Corporate Express that had not changed in the past six years. Supervisor Street said perhaps it was time to look at bidding again as there could be other companies available.

- 5. Requests from Human Resources:
 - a. Approve an invoice for the purchase of additional cubicle parts for the office, at a cost of \$2,784.41, to be paid from Office Equipment.
 - b. Consider an exception to Personnel Policy 2.01 Position Requisitions and Applications and allow Public Works to fill Bob Urlaub's Road Construction Supervisor position earlier than the two-week overlap provided for in policy.
- 6. Request from Juvenile Probation to support a grant application by Youth Count for Title II funds of the Office of Juvenile Justice and Delinquency Prevention for the Youth Volunteer Corps.
- 7. Approve vouchers.

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

- 1. Resolve into the Boards of Directors of the Yavapai County Flood Control, Free Library and Jail Districts and other County improvement districts as follows, for the purpose of approving vouchers: Ash Fork Street Lighting District, Coyote Springs Road Improvement District II, Prescott East Sanitary District, Seligman Sanitary District and Pine Valley Street Improvement District.
- 2. Resolve into the Board of Directors of the Yavapai County Jail District:
 - a. Approve Change Order No. 22 with Sletten Construction for the Camp Verde Jail Addition and Renovation, in the additional amount of \$18,743.
 - b. Approve Change Order No. 23 with Sletten Construction for the Camp Verde Jail Addition and Renovation for a 60-day extension of time.

- CLAIMS AGAINST YAVAPAI COUNTY

<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	1,651,879.29	Jail District	447,090.36
District 1 Park Fund	437.07	District 2 Park Fund	1,518.14
District 3 Park Fund	237.97	CERT	877.30
Hazmat Equip Grant	3,169.13	DOJ 2002	1,321.64
WMD Planner	434.09	HS 2003 Primary	211.52
HS 2003 Supple.	5,471.15	Education Svs Agen.	4,261.62
Medical Reserve Corps	471.08	Resep Radiation Exp.	411.94
Child Health Grant	4,455.24	Comm. Health Center	13,425.67
AMPPHI	734.07	Family Planning	2,551.20
MCH Programs	2,049.40	Health Promotion	2,478.51
Teenage PG Prevent	1,877.43	Nutrition	1,279.14
T.B. Control	761.71	WIC Program	14,940.60
Title X Family Plann.	2,535.09	Folic Acid Program	167.26
Jail Enhancement	5,297.73	Juvenile Delinq. Reduct	9,907.33
Juvenile IPS	17,096.19	Family Counseling	2,318.00
Juvenile Food Prog	1,635.54	Probation Serv	3,239.82
Adult IPS	30,980.51	Adult Probation Fees	16,730.93
Prob Enhance	41,250.13	Recorder's Surcharge	26,476.32
Indigent Def/Dg	1,281.36	Misc. Small Grants	40.00
Crim Just/Atty	4,688.63	Bad Check Prog	4,375.42
CDBG Grants	4,743.83	Juv Prob Svs	2,662.68
Commodity Fd	833.10	Azeip Case Mgmt	291.59
Sexual Trans Disease	148.70	Hi Risk Chld HI	5,365.58
Clerk's Storage	1,297.58	WIC/TOB Intervention	2,570.52
HIV Counsel & Test	1,897.31	Atty Anti-Racket	4,404.08
PANT	3,280.05	Law Library	2,498.77

CASA	4,427.76	Case Process	3,337.49
Prim. Care – V.V.	6,590.86	Vict Witns Prog	7,825.47
Court Enhancement	1,996.75	Council Court	3,635.58
Drug Enforcement Fund	3,537.03	Primary Care Svs	6,409.10
PC Fees V.V.	10.79	Local ADR	250.00
Victims Rights Impl	2,994.22	JAIBG Juv Acct P-II	3,060.15
Yav. Indian Agree.	612.72	Dietetic Intern	536.40
Immuniz Service	2,651.57	Personal Care Svs	3,505.13
Idea-Preschool	1,052.07	Subs Abuse/DARE	428.74
Chem Abuse	480.41	Family Drug Court	614.33
Juvenile Drug Court	4,166.56	Juv Det/PACE	2,961.47
Collab. Comp Rev Gr	337.37	Special Program	18,795.92
Sm Schools Ecia	879.77	Sm Schools Beha	20,724.65
Mobile Command Cen.	827.93	Fill the Gap – Courts	9,376.62
School Facilities	2,568.30	Hurf Road Funds	659,619.84
Assessor Surcharge	1,597.58	Assessor App Dev	7,701.98
Health Fund	70,816.90	Jail Commissary	17,496.19
Landfill Administ.	28,118.45	Water Advisory Comm	3,192.94
Clinical NCP	194.34	Tire Recycle	28,877.72
Safe School Pro	7,658.41	Adhs-Svs Coord	607.73
Fill the Gap – Attorney	6,936.86	Family Law Commiss.	6,875.52
Comm Punish Pro	3,609.23	Juven. Detent Ed Pro	3,959.69
Regnl Road Project	11,865.93	Library Auto Consor	3,169.60
Select. Traffic Enforce.	8.50	Health Start	3,510.57
Victim Compen. ACJC	74.43	Interstate Compact Pro	1,954.20
Ryan White II	3,343.07	Prepared. Bioterror	9,840.83
Primary Care Fees	3,534.64	Perinatal Block	2,293.89
Well Woman Health	5,204.88	Tobacco Educ	11,079.05
AD Prob Ed. H2002	52.91	St Imple. Grant	67.47
School Reso. – Mayer	1,538.47	St Grant in Aid	2,055.09
Az Reg. Supp. Center	168.67	Direct Treatment Fund	9,828.69
Mental HealthRWJF	3,351.23	Mental Health Part.	3,351.23
Field Trainer	2,119.73	Comm. Access Pro	4,956.12
Attendant Care	25,631.06	HIV/CT	154.95
HIV Targeted	-526.63	Access & Visitation	1,715.97
Childrens Justice	1,352.26	Child Sup & Vis	655.14
Domestic Relations Ed	522.85	DUI Abatement 2003	42.71
Self Service	189.94	VOCA	7,484.67
Yav. Drug Court	1,870.66	JTSF Treatment	5,394.76
Diversion Conseq.	1,378.09	Capital Projects	196,116.44
Jail Construction	349,749.42	Seligman Runway Airp	13,674.00
ALTCS	1,850,163.44	Help Debt Svs Loans	6,118,828.40

In addition, payroll was issued on February 6 for the pay period ending January 31; warrant numbers 2439794 through 2440226, in the amount of \$365,235.89. Jury certificates issued during this time; 6864425 through 6864543. Warrants issued for February 17 Board day, 4211750 through 4212153; 4212154 through 4212747.

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

ATTEST:

_____ Clerk _____ Chairman

