

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

October 18, 2004

The Board of Supervisors met in regular session on October 18, 2004, at 9:30 a.m., in Cottonwood, Arizona.

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; Randy Schurr, Deputy County Attorney.

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. Authorize sale of County property located in Mayer at auction and establish the minimum percentage of appraised value to be used to determine the minimum acceptable selling price. Upon a motion by Supervisor Street, seconded by Supervisor Brownlow, the Board voted unanimously to authorize the sale of the property and to establish the minimum acceptable selling price at 90% of the appraised value. No comments from the public.

Mr. Hunt explained that a request had been received from a property owner in Mayer to purchase a piece of County-owned property in that area. He said that in order to sell the property it would have to be auctioned and that by law it could sell for no less than 90% of the appraised value. Mr. Hunt told the Board that in this case, the interested property owner had already provided a check in the amount of \$800 to pay for the appraisal and publication costs, and that if that property owner was the successful bidder for the property the \$800 would be credited toward the purchase price. He said that if someone else was the successful bidder, \$800 would be added to the purchase price and the property owner who had requested the sale would be reimbursed for the cost of the appraisal and publication.

2. Award or reject bids received for Pioneer Park In-Line Hockey Rink Dasher Board System, City of Prescott, Yavapai County, AZ Project #2312825. Bids opened October 5, 2004, with bids received from the following vendors: All Sports Enterprises, Inc., \$72,900; Arena Systems, \$76,000 and Athletica, \$65,063.58. Recommend awarding bid to Athletica in the amount of \$65,063.58. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.
3. Consider approval of items appearing on the Consent Agenda for Board of Supervisors and on the Consent Agenda for Special Districts. With the exception of items 2.b. and 3.a. on the Consent Agenda for Board of Supervisors, all items were approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public. See Consent Agenda for Board of Supervisors for details.

ITEM NO. 2. Sheriff's Captain Scott Mascher. Request for permission to extend temporary assignment of the FTO positions within Detention Services for an additional 120 days. Approved by unanimous vote, upon a motion by Supervisor Street, seconded by Supervisor Brownlow. No comments from the public.

Captain Mascher told the Board he was requesting this extension due to the amount of training that would need to be done, saying there were about 34 positions that would need to be trained. He noted that the Board had first approved the additional Field Training Officer positions in February of this year, adding that approximately 110 people had been hired and trained so far. Supervisor Street asked if the FTOs were people already on board who were receiving additional pay to provide training. Captain Mascher said that was correct. HE said there were normally three FTOs in the Prescott area and three in the Verde Valley, but that the 12 temporary positions gave him a total of 18 FTOs to accomplish training needs. He said that since February the additional costs for the FTOs amount to about \$9,000 and that he was

able to pay for it from salary savings. In response to a question from Chairman Davis about turnover, Captain Mascher said he believed that some people, after going through the training, found that they just did not want to be in the detention environment and that some others did not make it through the academy. He said he believed that the environment was better than it had been because of pay and benefits, and that while there were still some people who wanted to use detention as a stepping stone to becoming a patrol officer, there were others who seemed content to make a career of detention. Supervisor Brownlow asked if having fewer people in the jail had reduced the need for transportation. Captain Mascher said that transportation continued to be high volume because of the Early Disposition Court program, but that just last week the jail population was down to only 409, which he said was the lowest it had been in a very long time. Supervisor Brownlow asked how many more positions it would take to open the other 240 beds at the jail. Captain Mascher said that it would take 50 positions to open two pods, but that he was not sure what would be involved with regard to the remanded juvenile facility. He told the Board he had heard on Friday that the CRIPA audit by the U.S. Department of Justice was coming to an end. Supervisor Brownlow asked who in County government would have received a copy of the CRIPA report. Captain Mascher said it would have gone to the County Attorney, Sheriff, and possibly the Board of Supervisors. Supervisor Street said she wanted to thank Captain Mascher for everything he had done with regard to the Jail, and that to go from what the Jail had been like to what it was today was a great accomplishment. Captain Mascher thanked Supervisor Street for her comments, saying he appreciated them but that it had been a team effort.

ITEM NO. 3. Community Health Services Director Marcia Jacobson. Discussion and possible action concerning Proposition 200, the Arizona Taxpayer and Citizen Protection Act. County Recorder Patsy Jenney-Colon and Prescott resident Bob Park participated in discussion of this item. The Board took no action on this item.

Ms. Jacobson said that if Proposition 200 passed, there would be four things that would change; two of them related to voting and two of them related to public health. She said the concerns that had been raised in some of the documents that she had reviewed had to do with the vagueness of what a "public benefit" is, and that if the proposition passed the County would be in the position of having to decide what services should be provided. Chairman Davis asked if the County could be challenged on that decision. Ms. Jacobson said there was a concern that each County might come up with a different set of criteria. She said most of what she had read did not include communicable disease control as a federally-mandated service but that she had recently seen some other things indicating that communicable disease control was federally mandated and that as such it would not be one of the services for which County employees would have to provide screening. Ms. Jacobson said that in terms of the County, she thought there was a question about whether the screening requirement would extend to people applying for building permits and the like, and that there was a question about how much time employees would have to spend on screening. She added that employees would also have to be trained with regard to federal immigration law so they would know what kind of identification would be acceptable, and that employees would be subject to a Class 2 Misdemeanor for failure to follow the provisions of the proposition. Chairman Davis said he had asked for a discussion of this proposition in order to provide some education for the Board and the public, and to talk about how the passage of the proposition might affect County government. He said he still was not clear about what would be required but that he did not think that disease differentiated between American citizens and illegal immigrants. Ms. Jenney-Colon said she believed it would be best for the County if people did not vote in favor of the proposition and that it would not do much with regard to elections that had not already been done. She said that passage of the Civil Rights Act and the National Voting Rights Act had eliminated the ability of voter registration officials to request proof of citizenship when registering voters and that as a result the County Recorders in Arizona had worked to allow voter registration by mail. She said that when the Help America Vote Act was passed, it included a provision that people registering to vote for the first time provide some type of identification and that what people generally did was send in a copy of their driver's license, which she said was then attached to the voter registration form. Ms. Jenney-Colon told the Board that many of the requirements of HAVA were already in place in Arizona, including the requirement for a state-wide voter registration system that could be used to ensure that people do not register in more than one county. She said she agreed that one problem with Proposition 200 was vagueness and that no one knew what would be acceptable

for identification. She asked if a driver's license would be acceptable or whether everyone would have to start carrying a passport. She said she thought Proposition 200 was a knee-jerk reaction to problems that people in Yavapai County did not really need to worry about. Chairman Davis asked if there was a potential loss of federal funds for health services if Proposition 200 passed. Ms. Jacobson said it was hard to say. She said her department received many federal funds and that employees had never been required to determine the citizenship of people receiving services. She said he thought what would happen if Proposition 200 passed was that people would stop coming for services and that this would have an impact on general community public health. She added that some federal funds were received based on the number of people being served, and that if people stopped coming for services her department could lose some funding as a result. Supervisor Street asked whether federal law took precedent over state law, saying that Arizona was not the only state experiencing problems. Mr. Schurr said that if Proposition 200 passed, there would have to be a decision about how to implement it. He said the civil attorneys in County Attorney offices throughout the state would work together to come up with a statewide policy that would make sense, but that someone, like the American Civil Liberties Union, could file a lawsuit saying the proposition or policy was in violation of federal law. Mr. Hunt said he thought there were some things that states were allowed to regulate, but that laws could be passed by the federal government to regulate eligibility for states to receive funding even if the federal government could not directly regulate the delivery of services. Mr. Schurr said there were other areas, such as medical marijuana, where the federal government had said passage of a state law violated federal law. Mr. Park said he saw nothing wrong with requiring a person who registers to vote to show proof of citizenship, and that he saw nothing wrong with requiring people who show up to vote to provide identification. He said that in Mexico everyone who is registered to vote has a card with a photo and thumbprint on it and that people are required to show that identification card and give a thumbprint when they vote. Mr. Park said this issue was about raw political power and that if a person was eligible for benefits today that person would still be eligible for benefits after passage of Proposition 200. He said that fraud was becoming pervasive, with people purchasing Social Security cards in order to obtain benefits. He said it was an issue that must be dealt with and that one way to deal with it was to make the illegal immigrant population feel less welcome to receive public services and to vote. Mr. Park said that if Proposition 200 passed, it would no doubt be challenged in court and that it would not stop illegal immigration but that it would stop the illegal use of public services and voting. Chairman Davis said his personal opinion was that the original intent of the proposition was to limit taxpayer subsidies for illegal immigrants but that some things were added that made it difficult. He said he believed the proposition might be a good start for beginning a conversation about the issue, but that he felt there were too many details to be worked out. He asked if the Board wanted to take any action on this issue. Supervisor Brownlow and Supervisor Street said no, that discussion was enough. Supervisor Brownlow said he believed that very few people really understood the proposition. Ms. Jenney-Colon said the publicity pamphlet distributed by the Arizona Secretary of State had information regarding the proposition.

ITEM NO. 4. Public Works Director Richard Straub.

1. Discussion and possible action to approve a County-wide Traffic Study Policy and Procedure. The Board took no action with regard to this item.

Mr. Straub said his department had received many requests for speed humps and as a result developed the proposed policy, which he said would provide for an engineering review of requests and discussion with the Supervisor in whose district the hump was being requested. Chairman Davis said he believed this issue had come forward because of the County's efforts to pave roads and the subsequent desire by people in neighborhoods to slow down traffic on those roads. He said he felt that rather than having this be an individual decision by each Supervisor it would be better to go through some kind of standard review process. Supervisor Street said she was opposed to the policy. She said that shopping centers and private subdivisions could put in speed bumps or speed humps if they wanted to. She said her concern was the liability that the County would have to take on when someone on a motorcycle hits a bump going too fast and then sues the County for putting an obstacle in the road. Supervisor Street said that the general public did not expect speed bumps in the middle of a public road.

In response to a question from Supervisor Brownlow about liability, Mr. Schurr said he had not read the policy but that the County had installed speed bumps or humps in the past and that there was a potential liability that had to be weighed against excessive speeding. Mr. Hunt said he believed it was also a sign issue, and that there was always potential liability but that there were things that could be done to mitigate that liability. Mr. Schurr said he agreed, and that speed bumps or humps should probably be limited to low volume roads. Chairman Davis asked if there was any exposure if the County knows about excessive speeds and does nothing about it. Mr. Schurr said there was not. Supervisor Brownlow asked Mr. Straub what he thought the cost would be by the time an engineer reviewed the request, the bump was put in, signs were put up, and so on. Mr. Straub said it would depend on what type of bump or hump was installed, but that the cost could vary from \$5,000 to \$10,000. Supervisor Street asked where bumps or humps had already been installed by the County. There was brief mention of the bumps at Pioneer Park, which Supervisor Brownlow said was not a main thoroughfare, and Mr. Straub said that about 15 bumps or humps had been installed throughout the County with most of them being in the Village of Oak Creek area. Chairman Davis said he felt the proposal would take politics out of the decision-making process and allow whether or not a request for a bump or hump is approved to be a technical recommendation from the Public Works Department. Mr. Straub said he believed that only about five percent of the requests for bumps or humps were being approved, and that he preferred that requests come from a community rather than from an individual.

2. Consider approval for the purchase and repair of a County vehicle for the American Red Cross from Local Transportation Assistance Funds (LTAF II), in an amount not to exceed \$5,000. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public.
3. Consider approval of a Resolution of Support for the Central Yavapai Metropolitan Planning Organization (CYMPO) and the Verde Valley Transportation Planning Organization (VVTPO) joint recommendations to ADOT for transportation construction project priorities in Yavapai County. Transportation Planning Engineer Mike Willett participated in discussion of this item. Resolution No. 1555 was approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public.

Mr. Willett said that ADOT had indicated that it would be helpful to them if the two planning organizations could agree on priorities for construction projects. He said that the two organizations had first met individually and then in a joint meeting and that the resolution before the Board on this day was the result of that joint meeting. Supervisor Street asked if the projects were listed in priority order. Mr. Willett said they were not. Supervisor Street said she thought the SR89/SR89A interchange was the number one priority for most people. Mr. Straub said he was planning to come before the Board next month with a study session on that interchange and the SR89 corridor. Supervisor Street noted that Glassford Hill Road was not included in the list. Mr. Straub said that was true, but that he believed it would come back as that area is annexed into either Prescott or Prescott Valley. He said he believed the ADOT District Engineer would appreciate this effort, and that it was something of a first. Chairman Davis agreed, saying he thought it was clear that the two planning organizations would work together in the future for the entire County.

4. Permission for in-house staff to explore widening improvements for the Lynx Creek Bridge on Walker Road. Supervisor Brownlow moved to approve with the understanding that the project would not go through the federal government. He then amended his motion to simply approve the request. Supervisor Street seconded the motion, which carried by unanimous vote. No comments from the public.
5. Approve indemnity agreement with private property owner for the use of his property for a community cleanup in Wilhoit on October 30, 2004. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public.
6. Permission to purchase 4 Motorola Radius CP 100 Portable Radios at a total cost of \$953.48 to be paid from the Waste Tire Fund Account. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public.
7. Consider approval of Authorization of Services #2412785 with Bock Appraisal Services for Peila Avenue right-of-way project for appraisal services, in an amount not to exceed \$500 to be paid from HURF. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.
8. Discussion and possible approval of Local Transportation Assistance Funds (LTAF II) for the following recipients for District 3: Town of Jerome, \$5,000; Y.E.S. the Arc, \$5,000; Central Arizona Food Bank,

\$3,000; Adult Community Center of Sedona, \$2,000; Verde Valley Veterans Van LLC, \$5, 000 and Cottonwood Area Transit, \$15,000. Transportation Planning Engineer Mike Willett presented this item. The following persons were introduced by Chairman Davis, with each of them offering thanks for this funding: Penny Vigil, YES the ARC; Mr. and Mrs. John Chenoweth Central Arizona Food Bank; Jerome Mayor Jane Moore; Camille Severson, Verde Valley Veterans Van LLC; and Sylvia Stroble, Adult Community Center of Sedona. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow.

9. Consider approval of items appearing on the Consent Agenda for Public Works. Both items were approved by unanimous vote, upon a motion by Supervisor Brownlow, seconded by Supervisor Street. No comments from the public.

CONSENT AGENDA FOR PUBLIC WORKS: Both items were approved by unanimous vote, upon a motion by Supervisor Brownlow, seconded by Supervisor Street. No comments from the public.

1. Award or reject bids received for Annual Contract for Supply and Delivery of Portland Cement Concrete Products in Yavapai County, Arizona, Contract No. 2413820. Bids opened October 5, 2004, with bids received from the following vendors: Asphalt Paving & Supply, Inc., Hanson Aggregates Arizona, Inc. – Clarkdale, Rinker Materials – Camp Verde and Rinker Materials – Prescott. Recommend awarding to all bidders at various unit prices.
2. Award or reject bids received for Annual Contract for Supply and Delivery of Signs in Yavapai County, Arizona, Contract #2413821. Bids opened October 5, 2004, with bids received from the following vendors: Custom Products Corp., Hall Signs, Inc., Pacific Products & Services, Rocal, Inc., and Safeway Sign Company. Recommend awarding to all bidders at various unit prices.

ITEM NO. 4. Development Services Director Ken Spedding and Development Services Assistant Director Enalo Lockard. Planning and zoning. Planner Connie Dedrick presented both items. Planning & Zoning Commission member Joan McClelland was present to represent the Commission.

1. Hearing: Zoning map change from PAD, Open Space, R2-3 and R1L-12 to a mixed-use PAD, Beaver Creek Enterprises, 401-01-020C, 020P, 020Q, 020T, 022D, 405-06-039, 040, 057, 204, 268, 405-07-095; 220, 221, 222, 225 and 241, Lake Montezuma area, Paul Crane agent for Beaver Creek Golf Club, Inc., HA #4110. Consideration of a Zoning Map Change from PAD (Planned Area Development), Open Space, R2-3 (Residential; Multi-Family), and R1L-12 (Residential; Single Family Limited to Site Built only) to a mixed-use PAD (Planned Area Development) to allow for the development of twelve (12) tracts to include 196 attached/detached dwelling units, a 100-room hotel, and expansion/replacement of the existing clubhouse/restaurant facility and reconstruction of the 18 hole golf course. The combined parcel(s) are approximately 140 acres and the majority of tracts are located west of Lake Montezuma Road, and 1.5 miles southeast of its intersection with Beaver Creek Road. SEC 01 T 14N R 5E G&SRB&M. The Planning and Zoning Commission recommended approval of the zoning map change, with the following stipulations: 1). The Planned Area Development be in conformance with the Site Plan dated August 2004 and amended letter of intent dated August 10, 2004; Preliminary Plat/Final Site Plan for the first phase/tract must be submitted within two (2) years from the date of approval of Site Plan and be in conformance with the approved Site Plan or the zoning will be null and void unless an extension of time is requested by the applicant and approved by the Board of Supervisors; 2). If water provider is not designated as having an adequate water supply applicant must provide a Water Adequacy Report prior to recordation of the Final Plat; 3). Tracts A, B, C, H, J, K, and L shall be limited to single story building height; 4). Upon recordation of a Final Plat the golf course will be designated as a golf course not just open space; Any changes will need to be reviewed by the Planning and Zoning Commission and Board of Supervisors; 5). Development will not exceed 196 dwelling units; 6). Condominium/Town homes rentals not to be rented in less than 30 day increments; 7). Applicant to enter into an agreement with Public Works to participate in off site roadway improvements and improvements to the emergency ingress/egress commensurate with traffic generated by the development as deemed appropriate by Public Works prior to submittal of Final Subdivision plat. The following persons participated in discussion of this item: Bill Ring, attorney from Flagstaff, representing the applicant; applicants Seth Williams and Rob Schunk; project engineer John Wesnitzer of Shephard-Wesnitzer; and Lake Montezuma resident Bill Brand. Supervisor Brownlow moved to hold this item in abeyance for the next meeting in the Verde Valley. His motion died for lack of a second. Supervisor Street moved to approve the recommendation of the Planning & Zoning Commission. Her motion died for lack of a second. Chairman Davis moved to approve the recommendation of the Planning & Zoning Commission with the following changes: Stipulation #5 to read "Development will not exceed 150 dwelling units and limitation of fifty (50) hotel units."; Stipulation #7 to read: "Applicant to enter

into an agreement with Public Works to participate in off-site roadway improvements and improvements to the emergency ingress/egress commensurate with traffic generated by the development as deemed appropriate by Public Works prior to submittal of Final Subdivision plat.”; add Stipulation #8, “No future development beyond this request will be on the golf course properties.”; and add Stipulation #9: “Developer/Golf Course owners will maintain water in the lake.” Supervisor Street seconded the motion, which carried by unanimous vote.

Ms. Dedrick provided brief background information on this application, saying that there would be 12 separate tracts for town homes, expansion of the clubhouse, and a 100-room hotel. She said that 116 letters of support for the application had been received, along with 33 letters of opposition, and she noted that the applicant had reduced the density of the project from 292 units to 196 units. Chairman Davis asked if it was actually 10 units per acre, to which Ms. Dedrick responded that the units were scattered. She said that Tract G had three extra parcels attached to it but that they were excepted out and had been extinguished. Mr. Ring said he was present in place of Mr. Crane, who was no longer associated with the applicant. He said the applicant had read through the staff report to the Commission and the report to the Board and felt both were good reports. He said the applicant agreed with the stipulations and he asked that the Board approve the application. He noted that Beaver Creek Golf Resort was established in 1962, that there was a great deal of land in the golf course tracts, and that the surplus land would allow the property owner to provide for some development around the edges of the course. He said that as a golf course property, the land was in poor condition and that it was the applicant’s intent at this time to improve the quality of the golf course, which he said would create greater value for the properties surrounding the course. Mr. Ring described the proposed project as normal evolution for golf course communities and he characterized it as an infill project because it would use land that is already within the community. He added that there was significant community support but that the applicant was aware there was also some opposition. Chairman Davis called for comments in opposition to the application. There were none. Chairman Davis said this would be a great project for Camp Verde, Sedona or Cottonwood, but that it was not a good project for rural Yavapai County. He said the community did not have the bridge capability, road capability, or law enforcement capability to take on a high density type of project. He said there were no services in Lake Montezuma and that he had not seen any input from the school district as to the effect this project would have on it. Chairman Davis said the project would cause traffic to increase by 46%, that a bridge to allow for four lanes of traffic would cost about \$2.5 million, and that it would take anywhere from \$800,000 to \$1,000,000 to bring interior roads up to the standard necessary to support the project. He said the cost of this project was too great for the citizens of Yavapai County to absorb and that it was not fair to ask them to pay for it. Supervisor Brownlow asked who would use the hotel. Mr. Ring said the project provided for 196 units of some type of family development. He said there was a request for up to 100 hotel units on Tract G, but that now the request was for something more like 50 hotel units. He added that Tract G could be phased in over time. He noted that the 196 units would be spread over 144 acres that are scattered throughout the community, saying that some of the units would be single-family homes and others would be attached town homes. Mr. Ring said that the Lake Montezuma specific plan called for high density residential in the area being proposed by the applicant, that it called for four to five units per acre and that he believed the applicant’s plan overall met that requirement. He added that Stipulation #7 would require the applicant to enter into an agreement with Public Works to participate in off-site improvements commensurate with traffic generated by the project. Chairman Davis said he believed that agreement should be hammered out first as to how much the applicant would contribute. Mr. Schurr said that, technically, the agreement would be with the Board of Supervisors and that it would have to be a written agreement. He said that if the applicant and the Board could not reach agreement, the project would not be able to go forward. He said he believed that the applicant wanted to at least get the initial approval before spending money for engineering to determine what those costs would be, and he added that the cost to the applicant would have to be commensurate with the impact that the project generates. Mr. Ring said the agreement would be required prior to submittal of the final plat and that it would have to be in place before the applicant could begin construction. Supervisor Street said she did not have the same problem with this application that Chairman Davis had. She said the Board was trying to encourage organized growth and that she believed there were statistics to show how many lot splits occurred each year. She said there was no way to control everyone who puts a house up

that results in an impact on a road. She asked if the applicant would be required to pay impact fees for each unit. Supervisor Brownlow said yes, and that the fee was \$1,100 per unit. Chairman Davis said the subject property was not vacant land that was zoned RCU-2A, but instead the majority of it was zoned as open space. He said he had spent a great deal of time in Lake Montezuma and that putting condos in that area would not help the County with regard to law enforcement or school services. He said that high density requires law enforcement, roads, improvements and the like, and that there was just one road in and out of the area. Supervisor Brownlow noted that in new developments the Board required the designation of open space, and he asked what the agreement for open space was in this development and whether allowing some of that space to be used for housing would have an effect on open space in other developments. Mr. Schurr said the subject property was approved long before the County had an open space requirement. He said the open space in question in this application could be sued for something other than a golf course, but that the applicant had designated in his application that the open space would be used for a golf course. He said he believed that part of the idea behind using some of the land for housing was to generate the revenue that would be needed to upgrade the golf course, and that he believed it would be to the applicant's benefit to do just that. Supervisor Street said she was in favor of the application, that Chairman Davis was opposed to it, and that it seemed to her that it was up to Supervisor Brownlow to decide what would happen. Mr. Ring said the County would benefit from the project because the applicant had agreed to be subject to the stipulations and that this would give the County control over the master plan for the area. He said the area to be developed would result in a reduction in the amount of land that would have to be irrigated for the golf course, and he reiterated that by approving the application the County would gain the ability to master plan this portion of the Lake Montezuma community. Mr. Ring said the community was already growing, and that instead of being the source of substandard infrastructure in the neighborhood the applicant was willing to help pay for improvements to the area. Chairman Davis said the land was zoned as open space and that it was not like it was vacant land ready for development. Mr. Ring said that was true and that was the reason for infill projects such as this one. He said that the open space zoning would allow the applicant to pasture cattle or some other kind of animal on the golf course, and that while he was not suggesting that was what his client had in mind, it was the kind of activity that would degrade property values in the area. He said that if the applicant could not rezone the property, he would probably just allow the property to deteriorate. He said if the Board felt the applicant needed to go and talk to the school district he could do that and would ask for a continuance, but that this project was an opportunity for the applicant to come forward and do his share to help with improvements. Supervisor Brownlow asked if the areas to be developed were part of the golf course or just next to the golf course. Mr. Ring said the applicant was talking to the architect about reorganizing the course. Mr. Williams said the majority of the lots to be developed were on the golf course. Mr. Schurr noted that the area was irrigated with surface water rights and that if the amount of water needed for irrigation was reduced the applicant might have an opportunity to sell some of those water rights. Chairman Davis asked if the water rights would be sold locally or sold to someone to the south of Yavapai County. Mr. Ring said the property was entitled to up to 2,300 acre feet of water per year, but that it now uses only about 400 acre feet. Supervisor Brownlow said he did not have enough information to go forward on this matter. He said he believed that the Public Works Department needed to do a little work to provide more information and that he believed there were too many unanswered questions for him to be able to vote for approval on this day. He said that when the applicant found out what it would cost for another access into the area, he might not want to do anything. Mr. Schunk said the project would still have 120 acres of open space and that the proposed development had strong support from people living in the area. He said he believed that with the impact fees and the tax base the new development would generate, that the County would get the money it needed to support the development. He added that there was a secondary exit out of the area. Mr. Schunk said he and his partners were trying to make things better for the community, that it was their intent to renovate the golf course and that the project would have water in the lake and open space. He said he and his partners were local people who had lived in the area most of their lives. Chairman Davis said the previous owner of the property had run it into the ground on purpose and had allowed the lake to run dry on purpose so that when someone came forward with a proposal to build condos people would think it was a good thing. He said he believed this whole thing had been a big play on the emotions of the community and that there were people who came forward

and offered to help the previous owner fix things and he would not accept the help. Mr. Schunk said he and his partners were not associated with the previous owner and he asked that the Board not lump them in with that person. He said what he was proposing was a win-win situation because currently the homes around the golf course contribute nothing to the upkeep of the course but that by having the town homes it would be possible to assess them for upkeep of the course. He said he believed his development would also put the community over the hump in terms of being able to attract services to the area. He said that land values in the area had already gone up just in the last two months. Mr. Schunk said he did not want a continuance and that he wanted to know what direction things would go, because continuing a decision on the application would just mean another month of debt and that he and his partners did not have deep pockets. Supervisor Street said she liked the proposed project. Supervisor Brownlow said he still needed more answers, including having the Board's attorneys explain how this project might affect open space in other developments. He said the Commission had questions about sewer treatment and the like, and that just meeting with the Public Works Department would provide the applicant with some idea of the costs involved. He said he believed Chairman Davis' concern was the impact the development would have on the County. Mr. Wesnitzer said that according to the traffic study the impact of the development would not require a four-lane road or a new bridge. He said the interior roads would need minor improvements and that shoulders would need to be fixed. He said he did not know what the impact would be on the school district or on the open space question. Supervisor Brownlow said that a 30-day delay should not make or break the applicant, noting that the Commission vote on this issue was 4 to 3 for approval and that the three "no" votes were all from Commissioners who live in the Verde Valley. Mr. Schunk said he had already been delayed for 30 days, adding that the Commission members had been invited to visit the site and that two of the "no" votes had not even bothered to come and look. Chairman Davis said he also was not in favor of dragging this issue out. He said that prior to the first Commission meeting there was a comment by the applicant that there would be no future development beyond this request, and that that comment had not made it into the stipulations. He asked if there was any agreement that the applicant would keep water in the lake, and he asked what was being planned for wastewater treatment. Mr. Wesnitzer said there was not a specific solution to wastewater yet, but that he had looked at septic tanks and leach fields with the leach fields on the golf course, and that another option would be to take the effluent from the septic tanks and treat it to a level that would make it usable for irrigation of the golf course. He noted that specifics such as this would have to come before the Commission and the Board a number of times before anything could be built, and that the only thing being requested on this day was rezoning of the property. Supervisor Brownlow asked why a decision could not be held for 30 days. Mr. Schunk said that many of the issues that had to be handled before the preliminary plat could be presented would take more than 30 days. Chairman Davis said there were many problems in Lake Montezuma and that he did not believe high density development would be helpful. Supervisor Street said she believed that some improvement and maintaining the golf course would be better than just letting the course dry up. She said the alternative was to do nothing, and that doing nothing would result in a loss in value. She added that the support for this project far outnumbered the opposition. In response to a question from Supervisor Brownlow, Mr. Schunk said the golf course and lake had dried up because of lack of maintenance and that currently the golf course was green and there was water in the lake. Mr. Williams said he believed the project was an asset to Yavapai County and to Lake Montezuma because of the improvements it would bring. He said the project might not have nearly the impact on services and infrastructure by the time he came in for final approval. Chairman Davis asked if it would be possible to look at what would happen if only single-family homes were provided instead of town homes. Mr. Williams said that would not give him the ability to rehabilitate the golf course. He said that many people would use a town home only for a portion of the year, and that the project would revitalize the whole community. Chairman Davis suggested allowing 150 units and limiting the hotel to 50 rooms. He said he would also like to add a stipulation prohibiting future development beyond this request for golf course properties. He said he would stipulate that if the applicant was successful with the project he could come back and propose expansion. He said he would also like a stipulation that someone would maintain water in the lake, saying the Board would look at the size of the lake when the applicant came back for plat approval. Mr. Schurr said that Stipulation #7 was fine as written, that stipulation #5 could be changed to reflect 150 units and limiting the hotel to 50 rooms. He said he could not ensure that a future Board

would not change Stipulation #8 (added) regarding no future development on the golf course properties. Chairman Davis said he just wanted to be sure that the golf course would not be whittled down. Supervisor Street asked the applicant if he would retain ownership of the property. Mr. Schunk responded that he would retain ownership of the golf course. Chairman Davis noted that wastewater issues would be addressed by ADEQ. Mr. Ring said he had spoken with his clients about Chairman Davis' stipulations and wanted the Board to be aware that with regard to Stipulation #9 (added) and keeping water in the lake, there would be times when, for maintenance reasons, the water level in the lake would have to be taken down but that it would be raised back up again. Chairman Davis said that standard maintenance was not a problem and that he just did not want the lake used as a tool to upset the community. Mr. Ring asked if the applicant could have 165 units instead of 150. Mr. Brand said he was concerned about water and he asked if the Board could add a stipulation to ensure that any water rights that might be sold would not be sold to Salt River Project or the Tribe. Chairman Davis said he agreed with Mr. Brand's concern but that the Board did not have the legal authority to do that. He added that he was firm on allowing just 150 units.

2. Hearing: Use permit to allow for the training and breeding of dogs, North Rim Retrievers, 404-14-059, 060 and 061, Camp Verde area, Brent & Debra Bouldin, HA # 4134. Consideration of a Use Permit to allow for the training and breeding of dogs. Currently, the site consists of 15 training runs, a 50 x 70 foot training yard, fenced yards for breeding, 2 large bird pens and a 35 foot RV used as a caretaker's residence. A 20 x 50 foot metal enclosure with fencing is proposed. Located on 3 contiguous parcels in an RCU-2A (Residential, Rural, Two-acre minimum parcel) zoning district totaling 3.21 acres, off River View Dr. 600 feet northeast of it's intersection with Salt Mine Road in the Camp Verde area. SEC 34 TWN 13N R 5E G&SRB&M. The Planning and Zoning Commission recommended approval of the use permit with the following stipulations: 1). Use Permit shall be non-transferable, temporary for a period of five (5) years from date of Board of Supervisors approval. Dog breeding/training activities to follow the letter of intent dated 08/02/2004 and addendum dated 09/13/2004 and site plan dated 08/01/2004; 2). No parcels shall be sold while under Use Permit; 3). Appropriately insulate 20 x 50 kennel enclosure to mitigate noise from the dogs; 4). All other applicable codes and regulations to apply; 5). A Certificate of Compliance to be issued twelve (12) months from date of Board of Supervisors approval.
3. Upon a motion by Chairman Davis, seconded by Supervisor Street, the Board voted unanimously to approve the recommendation of the Planning & Zoning Commission. No comments from the public.

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

1. Request from Board of Supervisors:
 - a. Approve minutes of meeting of October 4, 2004, and minutes of special meeting of October 13, 2004.
 - b. Approve appointment of precinct committeemen as recommended by the Yavapai County Republican Party as evidenced in Board Memorandum No. 2004-16.
 - c. Approve appointment of precinct committeemen as recommended by the Yavapai County Libertarian Party as evidenced in Board Memorandum No. 2004-17.
 - d. Consider approval of list of real estate held by the State of Arizona by tax deed and set date and time for sale of property for December 3, 2004, at 9:00 a.m., pursuant to A.R.S. §42-18301.
 - e. Approval to pull from the 2004 tax sale list parcel 406-29-170 and award to the Town of Clarkdale for a total amount of \$375.79 and waive the \$100 administrative fee.
 - f. Approval to pull from the 2004 tax sale list parcel 100-01-071 and award to Yavapai County Public Works for a total amount of \$372.90 and waive the \$100 administrative fee.
 - g. Consider approval of Change Orders No. 24, 28, 29, & 30 with ETW Group, Inc., for the Verde Valley Senior Center in the additional amount of \$3,346.62.
 - h. Ratify the Chairman's appointment of Janet Lincoln, Supervising Attorney in the Public Defender's Office, as Acting Public Defender effective October 13, 2004, at a bi-weekly salary of \$3,875.30.
2. Requests from Finance:
 - a. Consider approval of additional vehicles which were sold at the October 2, 2004, auction but that were not included on the auction list submitted and approved at the September 20, 2004, Board meeting.
 - b. Consider approval of Services Agreement for "Wildfire Risk Reduction for Yavapai County Homeowners" with the University of Arizona, at a cost of \$27,137 to be paid from PL-106-393 Forest Project Funds for 2003-2004. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public.

Chairman Davis said he felt this was a significant project and that he had hoped to have a

presentation on it on this day in order to let the public know what the County was doing with regard to efforts to educate people about reducing the risk of wildfire.

- 3. Requests from Development Services:
 - a. Consider approval of written findings regarding Board action taken on October 4, 2004, to deny HA #4124, a use permit for proposed AT&T tower in the Paulden area. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow.

Mr. Schurr explained that Development Services was in the process of revising the County's wireless ordinance. He said that one of the provisions of the Telecommunications Act requires that if a permit for a wireless facility is denied there must be written findings for the denial, and that the minutes of the meeting are not sufficient for this purpose. Chairman Davis asked if the Board could expect to see more requests such as this in the future as telecommunications issues come forward. Mr. Schurr answered yes, and said that this requirement was limited to telecommunications issues and did not affect other utility types of issues.

- b. Correct appointment of Curtis Lindner to the Planning & Zoning Commission, District 3, from a one-year term to a four-year term beginning November 1, 2004.
- 4. Request from Recorder to award bid for Electronic Recording System. Bids opened on September 28, 2004, with bids received from the following vendors: Tyler Technologies/Eagle Division, \$64,664 and OSAM, \$162,715.08. Recommend awarding bid to Tyler Technologies/Eagle Division in the amount of \$64,664 to be paid from Storage and Retrieval Fund.
- 5. Approve vouchers.

CONSENT AGENDA FOR DIRECTORS OF YAVAPAI COUNTY FLOOD CONTROL DISTRICT: Reference: Flood Control District minutes.
Consider approval of an intergovernmental agreement with the Town of Prescott Valley to fund flood mitigation work in the amount of \$752,247 to be paid from Outside Services.

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CLAIMS AGAINST YAVAPAI COUNTY			
ACCOUNT	AMOUNT	ACCOUNT	AMOUNT
General Fund	2,087,829.14	Forest Projects	27,137.00
Jail District	301,142.46	District 1 Park Fund	19,563.81
District 2 Park Fund	3,964.25	District 3 Park Fund	1,611.07
WMD Planner	409.80	HS 2003 Primary	74,934.92
HS 2003 Supplement	88.40	Improve. Of Education	195.91
AZ Coop Purchas. Net	7,896.90	ISC Adult Prob Fees	1,325.00
Adult Prob Fees – 40	540.86	Public Health Reserve	10,352.12
Clinic Services Reserve	1,683.94	Environmental Health	8,664.17
Susan Komen Breast H.	577.98	Medical Reserve Corps	759.92
Resep Radiation Exp.	434.70	Comm. Health Center	22,257.04
AMPPHI	2,516.01	Family Planning	1,902.72
MCH Programs	4,291.09	Health Promotion	2,778.65
Cost Allocation	1,392.09	Nutrition	1,062.30
T.B. Control	1,596.13	WIC Program	18,575.04
Title X Family Plann.	3,029.31	Jail Enhancement	1,597.59
Juvenile Delinq. Reduct	10,502.33	Juvenile IPS	18,615.49
Family Counseling	2,615.00	Juvenile Food Prog	1,555.18
Probation Serv	4,402.44	Adult IPS	31,355.03
Adult Probation Fees	12,380.92	Prob Enhance	38,259.22
Recorder's Surcharge	8,718.46	Indigent Def/Dg	3,998.47
Crim Just/Atty	1,069.95	Bad Check Prog	2,551.65
CDBG Grant	29,589.50	Juv Prob Svs	1,970.62
Commodity Fd	717.33	Hi Risk Chld HI	6,634.38
Clerk's Storage	1,370.98	HIV Counsel & Test	1,324.65
Atty Anti-Racket	2,049.79	PANT	7,983.69

Law Library	392.35	CASA	4,994.31
Case Processing	5,644.55	Prim. Care – V.V.	12,075.56
Victim Witness Prog	9,053.14	Court Enhancement	1,793.75
Council Court	4,180.01	Primary Care Svs	12,075.56
Inmate Health Svs	267.56	Drug Enforcement Fund	6,540.23
Probate Fund	1,094.96	Primary Care Services	12,075.56
PC Fees VV	1,562.81	Local ADR	579.77
Victims Rights Impl	3,371.00	JAIBG Juv Acct P-II	1,653.06
Yav. Indian Agree.	1,482.82	Dietetic Intern	587.04
Immuniz Service	2,696.13	Personal Care Svs	3,068.67
Idea-Preschool	1,203.28	Subs Abuse/DARE	385.23
Chem Abuse	604.58	Family Drug Court	726.67
Juv Det/PACE	5,414.76	Collab. Comp Rev Gr	935.45
Special Program	24,263.22	Sm Schools Ecia	627.69
Sm Schools Beha	23,451.51	Professional Develop.	466.76
Fill the Gap – Courts	9,164.54	School Facilities	23.49
Hurf Road Funds	706,044.20	Assessor Surcharge	3,666.55
Assessor App Dev	8,119.74	Health Fund	65,411.83
Jail Commissary	5,469.00	Landfill Administ.	35,883.70
Judge Pro Tem Div B	9,712.39	Water Advisory Comm	3,405.69
Tire Recycle	22,573.30	Safe School Pro	8,017.41
Adhs-Svs Coord	2,475.27	Local Incentive Awards	1,254.65
Fill the Gap – Attorney	8,041.82	Family Law Commiss.	6,614.78
Comm Punish Pro	4,564.18	Juven. Detent Ed Pro	1,597.88
Regnl Road Project	33,028.99	Library Auto Consor	230.00
Sterlization Services	1,543.23	Health Start	2,616.35
Victim Compens. ACJC	9,291.96	Victim Compens. VOCA	1,091.30
Interstate Compact Pro	2,255.75	Ryan White II	3,130.28
Prepared. Bioterror	9,023.19	Primary Care Fees	11,063.78
Perinatal Block	3,021.44	Well Woman Health	5,596.08
Tobacco Educ	9,832.68	St Imple. Grant	95.79
School Reso. – Mayer	869.64	St Grant in Aid	45.95
Az Region Support	56.78	Direct Treatment Fund	10,462.39
Mental HealthRWJF	2,717.83	Mental Health Part.	2,717.95
Field Trainer	2,268.58	Comm. Access Pro	26,991.90
Attendant Care	16,627.62	HIV/CT	188.20
Ash Fork Bldg Rehab	24,991.67	HIV Prevent & Ctrl	94.13
Access & Visitation	800.00	Childrens Justice	621.20
Child Sup & Vis	800.92	Domestic Relations Ed	330.26
Self Service	340.01	VOCA	9,683.58
JTSF Treatment	29,331.32	Diversion Conseq.	1,162.17
Capital Projects	4,942.00	Bagdad Airport	14.21
ALTCS	1,723,307.12	Help Debt Svs Loans	384,956.25

In addition, payroll was issued on October 15 for the pay period ending October 9; warrant numbers 2447264 through 2447629, in the amount of \$305,873.07. Jury certificates issued during this time; 6867278 through 6867619. Warrants issued for October 18 Board day, 4228263 through 4228763; 4228764 through 4229118.

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

ATTEST:

Clerk _____Chairman