

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

November 15, 2004

The Board of Supervisors met in regular session on November 15, 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; 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. Consider request from the Yavapai County Water Advisory Committee for approval of an annual Joint Funding Agreement between the U.S. Geological Survey and Yavapai County for Water Resource Investigations in the total amount of \$115,800 with Yavapai County's portion totaling \$65,000 to be paid from the Water Advisory Committee budget. Water Advisory Committee Coordinator John Munderloh. Upon a motion by Supervisor Street, seconded by Supervisor Brownlow, the Board voted unanimously to approve the agreement. No comments from the public.

Mr. Munderloh explained that this agreement would provide for the next year's work with the U.S.G.S., which he said would be the fifth year of the study, and that the next phase of the study would numerical groundwater monitoring. He added that a hydrologic report was expected to be available after the first of the year. Mr. Munderloh said that everything revolved around management decisions regarding water, and he provided the Board and those present from the public with a PowerPoint presentation explaining the process (Clerk's note: A copy of the PowerPoint presentation is available to the public through Mr. Munderloh). He said that one of the things that was important to know was the geologic framework of the watershed, and he showed a graphic of the Big Chino area with the alluvial fill extracted to display the geology of the basin. Supervisor Brownlow asked if water from that area ran down into the Ferguson Valley area. Mr. Munderloh said it did not, that there was a groundwater divide, and that the two basins were not connected. He noted that the WAC had spent its time studying the Verde River watershed but that the WAC was preparing to ask the U.S.G.S. to begin another study for the Upper Agua Fria. Mr. Munderloh told the Board that a numerical model would be very difficult to build, that it would provide a mathematical representation of groundwater flow, and that it would probably be the best way to construct a management system. He said that 2007 was anticipated to be the end date for the numerical model work, and that the Arizona Department of Water Resources and the U.S.G.S. would pay the lion's share of the costs for it. Chairman Davis asked Mr. Munderloh if the WAC anticipated moving on to Skull Valley or the Agua Fria as the next step. Mr. Munderloh said he believed the Agua Fria was the next logical step because that area was more developed and had more pressure on the watershed. He said he did not think the Skull Valley-Bill Williams River area was on the radar map at this time, adding that he anticipated that WAC's contribution to a study of the Agua Fria to be about \$10,000 per year. In response to a question from Mr. Schurr, Mr. Munderloh said the WAC was not focusing its studies on litigation, but instead on developing a management process. Supervisor Brownlow asked if the City of Prescott and the Town of Prescott Valley had approached the WAC regarding the purchase of the JWK Ranch. Mr. Munderloh replied that there had been ample communication regarding that issue, adding that representatives of both entities were also members of the WAC.

2. Canvass the results of the General Election held on November 2, 2004. Elections Director Lynn

Constabile. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public. (Clerk's note: The official canvass is filed with the Arizona Secretary of State. A copy of the official canvass is retained by the Clerk of the Board of Supervisors and is available for public viewing.)

Ms. Constabile noted that with an 88% voter turnout, Yavapai County had the highest voter turnout of any county in Arizona and that the Yavapai Hills Precinct, with a voter turnout of 95%, had the highest turnout of any precinct in the County. Supervisor Street asked about automatic recounts. Ms. Constabile said that an automatic recount would be triggered if a race was County-wide and there was a separation of only ten votes or less. She said there were no provisions for automatic recounts in schools or other types of districts. Supervisor Street said she had asked because of very close races in two school districts. Chairman Davis asked if any appeals of the election results had been filed. Ms. Constabile said there were none that she knew of, and that the election process had gone well.

3. Appoint advisory committee to conduct interviews for council members for the newly-incorporated town of Dewey-Humboldt; call for applications for council members; determine any qualifications or requirements for appointment other than those set forth in Resolution No. 1446; and set November 30, 2004, as the deadline to submit applications. Upon a motion by Supervisor Brownlow, seconded by Supervisor Street, the Board voted unanimously to appoint the advisory committee, call for applications for council members, and set November 30, 2004, as the deadline for filing applications. The Board did not choose to impose any additional requirements other than those set forth in Resolution No. 1446. The persons appointed to the advisory committee are as follows: Supervisor Gheral Brownlow, District 1; Assistant Public Works Director Phil Bourdon; Mike Flannery, Prescott Valley Town Council; Virginia Reid, Chino Valley Town Council; and Bob Bell, Prescott City Council. No comments from the public.
4. Consider approval of items appearing on the Consent Agenda for Board of Supervisors. With the exception of item 1.d., 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 detail.

ITEM NO. 2. Human Resources Director Julie Ayers.

1. Consider approval of an Equal Employment Opportunity Plan for Yavapai County to be effective January 1, 2005 through December 31, 2006. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public.

Ms. Ayers explained that an Equal Employment Opportunity Plan (EEOP) was required by many grant providers and that the last EEOP was approved by the Board in 1974. Chairman Davis asked how the County had done with regard to providing equal employment opportunities. Ms. Ayers said the County had done a very good job of utilizing the demographics of the area and that it was underutilized only with regard to Hispanic males and that for the area the County was below in that category by only 13 people. Chairman Davis asked if approval of the plan would hinder the County's ability to obtain qualified applicants. Ms. Ayers said it would not, and that it was not an affirmative action plan. She assured the Board that her department would continue to seek out the most qualified people available.

2. Consider reclassifying a Secretary Journey position, Range 58, to a new position of Fleet Data Specialist, Range 59, in the Fleet Management Department. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public.

ITEM NO. 3. Public Works Director Richard Straub.

1. Consider approving settlement of the condemnation action against Hermanson Dewey, LLC, for right-of-way necessary for Fain Road in the amount of \$232,000 to be paid from half-cent sales tax revenues. Assistant Public Works Director Phil Bourdon participated in discussion of this item. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public.

Mr. Straub told the Board that the County had been in court for more than three years on this issue and that an agreement had finally been reached. Chairman Davis asked what it would cost to litigate the matter instead of settling. Mr. Schurr said there had already been a first trial date on this matter. He said the County Attorney's Office felt there were some evidentiary issues involved and that if the matter was litigated the amount approved by the court could be much higher than the settlement agreement. He said he believed it was in the County's best interest to settle the case. Chairman Davis asked how the appraisals on the property done by the County's appraiser and by the property owner's appraiser could be so far apart. Mr. Schurr said that appraisal was not an exact science, and that courts tended to side with the property owner in condemnation cases. He added that most of the costs were already covered in a bond that was posted with the court. In response to a question from Chairman Davis regarding the number of other unresolved condemnation cases, Mr. Bourdon said there were two such cases with regard to Highway 89A and one related to the Mingus Avenue Extension project.

2. Consider approval of a contract for professional services and Authorization of Services No. 2413823 with URS Corporation for Landfill Gas Probe and Groundwater Monitoring for the Prescott Valley Landfill and the Camp Verde Landfill, Yavapai County, Arizona, in an amount not to exceed \$41,660. To be paid from budgeted funds, Solid Waste budget, Landfill Post Closure (Prescott Valley and Verde Valley accounts). Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.

Mr. Straub explained that there was a methane gas problem at the Prescott Valley Landfill, that the consultant the County had been using was not performing satisfactorily, and that he wanted to terminate the consultant's contract and hire a new consultant. He pointed out that the County does not own the land that the Prescott Valley Landfill sits on, adding that he wanted the Board to be aware that at some point the County might need to purchase the land. Supervisor Brownlow said this landfill had primarily served Prescott Valley and that the town had skated by on issues related to closure. Mr. Schurr noted that it was the County's landfill and the County's responsibility to take care of it. He said the landfill would have to be monitored for 30 years and that the monitoring period could be extended. Supervisor Brownlow announced that his son, Chris, used to work for URS Corporation, but that he was not involved in anything dealing with landfills.

3. Consider approval of items appearing on the Consent Agenda for Public Works. All items were approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.

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

1. Approve release of all funds being held in retention under the financial assurances for American Ranch Phase 2. Roads are classified as private and will not receive maintenance from Yavapai County.
2. Approve release of funds being held in retention under the financial assurances for American Ranch Phase 3A except for the funds being held in retention for the Asphaltic Concrete Friction Course (ACFC), which will be completed in spring when weather permits. Roads are classified as private and will not receive maintenance from Yavapai County.
3. Consider approval of extension for completion of services to Authorization of Services No. 238894 with Coffman Associates for engineering consulting services for the Seligman Airport Master Plan. No County funds required.
4. Consider approval of ADOT Aeronautic Grant E5F57 in the amount of \$7,200 for a runway rehabilitation project at the Bagdad Airport in Bagdad, Arizona. This is 2.5% match to FAA 04, to be paid from Outside Services in the General Services Airport account.
5. Consider approval of ADOT Aeronautic grant E5F58 for runway 3-21 widening and strengthening, NAVIADS (navigation aids) upgrades and runway 21 run-up pad relocation at Sedona Airport, in the amount of \$66,614 (2.5% match to FAA 13 grant approved by the Board on August 16, 2004). No County funds involved.

ITEM NO. 4. Development Services Director Ken Spedding and Development Services Assistant

Director Enalo Lockard. Planning and zoning. There was no one present to represent the Planning and Zoning Commission.

1. Consider approval of items appearing on the Consent Agenda for Planning and Zoning. Both items were approved by unanimous vote. In both cases motions were made by Supervisor Brownlow and seconded by Supervisor Street. No comments from the public.
2. Hearing: Preliminary plat and extinguishment of the existing Planned Area Development zoning district, The Aerie I and II, 408-23-001, 004, 004A, 005, 006A and 006B, Sedona area, Jamie Schulman, Red Rock Aerie, LLC agent for Sedona Tree Farm Limited Partnership, Sedona Red Rock Land Limited Partnership, Pegasus. #H4148, #H4149, #H4150. Consideration of Preliminary Plat for Aerie I which is approximately 100.7 acres consisting of 41 single-family custom lots and Aerie II, which is approximately 76.9 acres consisting of 33 single-family custom lots. All lots will be a minimum of two (2) acres. The Aerie subdivision will replace the existing PAD (previously known as the Sedona National Golf Club) and revert back to the prior zoning classification of RCU-2A (Residential; Rural; Two (2) acre minimum). A waiver is also being requested to allow a reduction in road widths. Aerie I & II are located approximately .5 miles and 1.5 miles (respectively) south of Boynton Pass in the Red Rock Dry Creek Community area. SEC 5 T17 N R5 E G&SRB&M SEC 8 T17N R5E. The Planning and Zoning Commission recommended approval of Preliminary Plat and Extinguishment of the existing Planned Area Development (PAD) zoning district, with the following stipulations and with the understanding that at the next Commission hearing in the Verde on November 17, 2004, the Commission will initiate a hearing for a Zoning Map Change from RCU-2A (Residential: Rural: two-acre minimum) to R1L-2A (Residential: Single Family Limited; two-acre minimum) with no additional stipulations: 1). Final Plat for Aerie must be submitted within two (2) years from the date of approval of PP and be in substantial conformance with approved PP dated September 2, 2004 and letter of intent or the plat will be null and void unless an extension of time is requested by the applicant and approved by the Board of Supervisors; 2). Applicant shall record the Final Plat for Aerie II (the Cockscomb parcel) within five (5) year of the Preliminary Plat approval of Aerie II unless an extension of time is requested by the applicant and approved by the Board of Supervisors; 3). Applicant to provide a letter from ADWR stating that the development has a 100-year adequate water supply prior to recording Final Plat; 4). Applicant to illustrate a one (1) foot non-access buffer around the perimeter of Aerie I and Aerie II on the Final Plat to prevent "spider web" trails to the Forest Service Lands; 5). Approval of a waiver to allow for twenty (20) foot asphalt surfaced road widths with a one (1) foot concrete ribbon curb on both sides bringing the total improved width to twenty-two (22) feet and allow the one-way lanes, at the landscape medians for ten (10) foot asphalt lanes with one-foot concrete ribbon curb on both sides for bringing the total improved width to twelve (12) feet; 6). All construction traffic to enter by way of Dry Creek Road; 7). Extinguish existing PAD and property to revert back to the underlying RCU-2A (Residential; Rural; Two-acre minimum parcel); 8). On-site sales office to be allowed for seven (7) years from date of Board approval of the Final Plat. Attorney Mike Withey was present to represent the applicant. Harry Easton, member of the Red Rock Dry Creek Community Plan Committee, participated in discussion. Upon a motion by Supervisor Street, seconded by Supervisor Brownlow, the Board voted unanimously to approve the recommendation of the Planning & Zoning Commission.

Mr. Lockard said the applicant was coming forward with a subdivision in conformance with RCU-2A zoning and that a golf course was no longer being proposed. He noted that the parcels would be two acres in size, that the access road to the subdivision would be a public road, but that the interior roads would be private. Supervisor Brownlow noted that this area was first approved for development in 1991 for 400 units because at that time no one was concerned about water. He said the developer was also required to participate in the Dry Creek Road crossing, and he asked whether recharge to the Sedona sewer system was ever accomplished. Mr. Easton said there was no recharge in Sedona. Chairman Davis said he did not agree with the Commission that the access road should be constructed before homes in the subdivision are constructed because it might be better to be finished with heavy truck traffic before constructing that road. Supervisor Brownlow asked if it was true that the new subdivision proposal would represent a decrease in groundwater use from 660 acre feet per year to only 59 acre feet per year. Mr. Lockard said that was correct. Supervisor Brownlow asked what the lots would sell for. Mr. Schurr said the applicant had proposed selling the lots for between \$750,000 and one million dollars. Supervisor Brownlow asked why anyone would want to put a manufactured home on a lot that expensive. Mr. Lockard said the

proposed zoning of RCU-2A allowed manufactured homes. Supervisor Street asked if the subdivision would have a homeowners' association and CCRs. Mr. Lockard said it would. Mr. Easton congratulated Chairman Davis on his re-election and thanked Supervisor Brownlow and Supervisor Street for their service to the County and said he would miss them. He told the Board that this zoning change was very important to the community and that even though there would be CCRs for the subdivision, the best way to protect property values was through zoning. He said the applicant had agreed to have the property rezoned to R1L. Mr. Schurr said that the rezoning was not a condition of the preliminary plat but that an item that would be on this week's Commission agenda to consider rezoning this property to R1L-2A. Mr. Withey said that a great deal of hard work had gone into this application in order to reach this point. He said all he was asking the Board to do was approve the application as recommended by the Planning & Zoning Commission, and that it simply represented approval of the preliminary plat which would reduce the density and which would also result in significant reductions in water use and in traffic. Mr. Withey said that at the Commission meeting Mr. Easton and the community had expressed concerns about the possibility of manufactured homes being placed on lots in the subdivision, but that he felt those concerns were unfounded. He said that given the lot prices the market would pretty much dictate what kind of housing would be built, and that in any event the nearest private property was more than eight-tenths of a mile away. Mr. Withey said that the applicant had worked out an agreement that the Planning & Zoning Commission would just go ahead and initiate the R1L-2A zoning for the property, and that the applicant was fine with that happening. He said he realized that it was a little out of the ordinary to have the Commission initiate the rezoning, but that the applicant was fine with it. Supervisor Street asked if the County had an R1L-2A zoning classification. Mr. Schurr said it did. Supervisor Brownlow expressed concern about what the sales office would look like. Mr. Withey said the applicant had not begun the design for the sales office yet, but that given the money involved in this subdivision it would be a nice facility.

3. Hearing: Use permit amendment and waiver, Cornville Storage Expansion (Mt. Vu Mini Storage), 407-04-027P, Cornville area, Bart Hill, American Harbor Properties, LLC. #H4143, #H4163. Consideration of Use Permit amendment and a request for a waiver for a reduction in the aisle widths to allow the conversion of the existing vehicle storage spaces to 35 additional sea cargo containers, to allow 77 additional mini-storage spaces on approximately 1.18 acres in a C1-3 (Commercial Neighborhood Sales and Services) zoning district with an existing Use Permit. Located on Angel Crest Road 200 feet south of its intersection with Cornville Road in the community of Cornville. SEC 11 T 15N R 4E G&SRB&M. The Planning and Zoning Commission recommended denial of the use permit amendment and waiver for reduction of aisle widths due to the fact that the proposed surfacing improvements, setbacks, turning radii did not meet Ordinance standards. Julie Currence with the Cornville Community Association spoke in favor of this application. Supervisor Brownlow moved to send this application back to the Planning & Zoning Commission for further review. Supervisor Street seconded the motion, which carried by a 2-to-1 vote, with Supervisor Brownlow and Chairman Davis voting in favor of the motion and Supervisor Street voting "no."

Mr. Lockard said the Commission had recommended denial of this application and that the denial was based on the applicant not meeting requirements for turning radius and dust abatement. He said that since the Commission hearing, the applicant had revised his site plan to provide for greater turning widths, that he had put down decomposed granite to cut dust, and that he had a letter of approval from the Cornville Community Association. Mr. Hill said he was both the owner and operator of the property and that he had owned it for about a year. He said he had decided to put some excess funds back into fixing up the property, that there had been an increase in demand for storage, and that this was the reason for his request on this day. Chairman Davis asked if the application had changed since being heard by the Commission. Mr. Lockard said it had. He said the applicant had eliminated some storage units in order to improve turning widths. Chairman Davis said it appeared that the applicant had been denied at the Commission level and had then made some changes for the Board level. He said he did not go for that and that he did not want to rehear applications. Mr. Lockard said there was also support for this application from the Cornville Community Association at the Commission level, and that the applicant had addressed the concerns of the

Commission. Supervisor Brownlow noted that in the past the Board had made other mini-storage owners pave their roads. Mr. Schurr said the Board could waive that requirement. Supervisor Brownlow asked why the Board should do that. Mr. Schurr said that Mr. Hill had an existing facility that had been operating with no problems. Supervisor Street said that too many times the Commission members were redesigning and reinventing projects and that it was not their focus to do that but instead to determine appropriate land use. She said this was a storage unit and not a thoroughfare and that she did not understand what the problem was because it was an existing business that had been there for years. Mr. Schurr said if the Board wanted to refer this application back to the Commission it could do so, adding that it was not the applicant's fault that he was present on this day. Mr. Schurr said he had misunderstood at the Commission meeting that the applicant was willing to accept a deferral of a recommendation by the Commission. Supervisor Brownlow asked whether the Board was going to allow applicants to change their information before the Board meeting. He said he believed it was a good project with the changes the applicant had made, but that he also had a problem with new information that the Commission was not aware of and that he thought it should be sent back to the Commission for further consideration. Ms. Currence said the County did not require pavement on all roads and that the Cornville Community Association did not think it was appropriate to pave every commercial road in Cornville. She said she did not think this application needed to go back to the Commission. Chairman Davis said he wanted to apologize to Mr. Hill, but that these things should be worked out at the Commission meeting and that to do otherwise would mean there was no need for a Planning & Zoning Commission.

4. Hearing: Zoning map change from RCU-2A, R1L-35, C1-3, C2-1 and PM-2A to M1-35, M1-1, M1-3, and M1-2A for the following parcels: 405-20-002B, 002F, 002G, 002K, 002L, 002N, 008B; 405-21-001, 002, 003; 405-23-005D, 005N, 006A, 006C, 006D, 006F, 007H, 007K, 007V, 007Y, 012N, 012P, 018B, 018D, 018G, 018J, 033A, 033B, 035A, 035C, 035E, 027A, 027B, 037C, 181C, 181D, 181H, 181J, 181K, 189A and 189B; McGuireville area. Consideration of zoning map change from RCU-2A (Residential; Single-Family; Rural; minimum of two (2) acres per D. U.), R1L-35 (Residential; Single-Family Limited to site built structures only; minimum 35,000 square feet per D. U.), C1-3 (Commercial; Neighborhood Sales & Services; minimum 3,000 square feet per D. U.), C2-1 (Commercial; General Sales and Services; minimum 1,000 square feet per dwelling unit) and PM-2A (Performance Industrial; minimum two (2) acre per D.U.) to M1-35 (Industrial; General Limited; minimum 35,000 square feet per D. U.), M1-1 (Industrial; General Limited minimum; 1,000 square feet per D. U.), M1-3 (Industrial; General Limited; minimum 3,000 square feet per D. U.), and M1-2A (Industrial; General Limited; minimum two (2) acres per D.U.). In April the Planning & Zoning Commission initiated to rezone this area due to the amount of commercial/industrial activity. The combined parcel size is approximately 515.88 acres and is located north of I-17 in the McGuireville area along both sides of Cornville Road. SEC 03 T 14N R 5E G&SRB&M SEC 04 T 14N R 5E G&SRB&M SEC 33 T 15N R 5E G&SRB&M SEC 34 T 15N R 5E G&SRB&M. The Planning and Zoning Commission recommended approval of the reduced zoning map change area map, excluding the approximately 150 acres of land within the flood plain area, Zoning Map Change, with the following stipulation: Future development shall submit a detailed traffic analysis, which must be reviewed and approved by Public Works, and make all necessary improvements to mitigate their impact to the County's roadway system prior to any development. Verde Valley resident Jeff Anderson spoke in favor of this application. Supervisor Brownlow moved to deny the application. Chairman Davis seconded the motion, which carried by a vote of 2-to-1, with Supervisor Brownlow and Chairman Davis voting in favor of the motion and Supervisor Street voting "no."

Mr. Lockard told the Board this application was initiated by the Commission after eight to ten use permits had been issued in the area. He noted that the Beaver Creek Community Plan identified the area for heavy industrial uses. He said that staff had conducted a public meeting as part of the citizen participation process and that only positive comments had been received at that meeting. Chairman Davis asked if discussion about rezoning this area had taken place in 1997. Mr. Lockard said there was discussion at that time about the possibility of initiating this rezoning. Chairman Davis asked how the Commission asked staff to do this. Mr. Lockard said it was based on the fact that staff had heard from the Board that it did not want use permits issued but instead wanted zoning map changes. Chairman Davis asked why the rezoning did not

affect just those businesses that already exist. Mr. Lockard said staff had tried to incorporate the community plan and take care of everything in one shot. Chairman Davis asked how any property in the area would pay impact fees if it was all rezoned for industrial uses. Mr. Lockard said they would not pay the fee and that the impact fee applied only to residences. Chairman Davis asked whether 500 acres of industrial zoning would impact roads. Mr. Lockard said the Public Works Department would deal with that. Chairman Davis asked how Public Works would do that and how they would be able to make an assessment regarding impact. Supervisor Brownlow said that in his time on the Board the County had never done this type of blanket rezoning but instead had focused on site specific zoning. Mr. Schurr said it was true that the County had never done a blanket rezoning for commercial industrial purposes. Chairman Davis asked if 515 acres were involved. Mr. Lockard said it was actually 390 acres. Supervisor Brownlow said he had a real problem with this application and that if the Board was going to change direction from what it had done in the past then it should be the new Board making that decision. He said he was totally opposed to this application. Supervisor Street said she thought she also was opposed to the application. She said she had heard about spot zoning for 16 years and that to her that was what this application looked like. Mr. Schurr said the whole area was encumbered by a number of use permits for industrial uses. Chairman Davis reiterated his comment about just dealing with the eight or ten existing businesses in the area. He noted that the Beaver Creek Community Plan was completed in 1992 and asked when it would be updated. Mr. Lockard said it would be updated when staff could get to it, and that it depended on direction from the Board. Chairman Davis said he was concerned about how this rezoning would fit regionally, and that he believed it would be more appropriate to address it that way. In response to a question from Supervisor Street, Mr. Lockard said the subject properties were located adjacent to the I-17 interchange, and that the interchange was in ADOT's plan for 2007. Chairman Davis said improvements to that interchange had been pulled off ADOT's plan. Supervisor Street said she was not opposed to the area having heavy commercial uses but that if that the rezoning was going to happen there should be a box around it. Mr. Lockard and Mr. Schurr said that was what they had tried to do. Chairman Davis called for comments from the public. Mr. Anderson said he had just purchased 19 acres in the area and that people in the area needed a place to park equipment and run their businesses. He said there were a couple of modular homes in the area but that they had no objection to the rezoning, and that making people go for a use permit would just put people through the ringer unnecessarily. Supervisor Brownlow asked how many parcels were included in the rezoning. Mr. Lockard said there were probably 20 to 25 parcels involved. Supervisor Brownlow said he did not think anyone would have a problem getting a use permit, but that if all of the properties were rezoned they could be sold off and the County would not know who was buying it or what they wanted to do with it. Chairman Davis said he had not seen anything like this since the 1970s, and that he hoped the Board would not be blindsided like this again. Mr. Spedding said that when the Beaver Creek Community Plan was developed it called out this area as industrial. He noted that the application had gone through the public hearing process, but that the County could continue to issue use permits in the area. Chairman Davis said the McGuireville interchange was one of the worse in the state and that now it was off ADOT's plan for 2007 and that now the Board was being asked to rezone the area to industrial. He asked why, if staff believed ADOT would be doing a project in the area, it would initiate rezoning property and cause ADOT to have to pay more for right-of-way. Mr. Spedding apologized for not knowing that ADOT had decided not to move forward with improvements to the interchange, saying that ADOT was notified of the application and given an opportunity to respond but that it had not done so.

**CONSENT AGENDA FOR PLANNING AND ZONING:** Both items were approved by unanimous vote, in separate motions. In both cases, motions to approve were made by Supervisor Brownlow and seconded by Supervisor Street. No comments from the public.

1. Use permit for a fruit/vegetable stand in a C2-2 zoning district, Farmers Market, 405-27-001D, Bell Rock Plaza (owner), Don Woods, Architect, applicant, #H4144. Consideration of a Use Permit for a Fruit/Vegetable Stand located on the east side of Bell Rock Inn. The Stand will be a 10 x 40 foot roof covered, open air display which will sell vegetables, fruits, jellies, and other types of produce typical of roadside markets on a 3.91 acre parcel in a C2-2 (Commercial; General Sales and Services) zoning

district. Located off SR 179 approximately 1000 feet south of its intersection with Bell Rock Road. SEC 13 T 16N R 5E G&SRB&M. The Planning and Zoning Commission recommended approval of the use permit, with the following stipulations: 1). Use Permit on a five (5) year, non-transferable basis and follow the letter of intent dated August 23, 2004 and addendum dated August 30, 2004 and Site Plan dated July 22, 2004; 2). Solid screening will need to be placed along the south property line where the new parking area abuts existing residential; 3). Van and Shuttle parking be relocated to another parking area on the parcel or relocated off the premises within thirty (30) days of Board of Supervisors approval; 4). Certificate of Compliance issued within 12 months of Board of Supervisors approval.

2. Final plat, Village Estates, 405-27-005B, 005C, 005D, 013, Village of Oak Creek area, Pender Engineering-Tom Pender, agent for Matt Cavanaugh, #H4175. Consideration of a Final Plat for Village Estates in conformance with the PAD (Planned Area Development) to allow for twenty-five (25) single-family residential lots on approximately 10.5 acres. Located along the southeast corner at the intersection of Verde Valley School Road and Deer Pass Drive in the Village of Oak Creek. SEC 13 T 16N R 5E G&SRB&M SEC 14 T 16N R 5E G&SRB&M.

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. Requests from Board of Supervisors:
  - a. Approve minutes of meeting of November 1, 2004.
  - b. Liquor license for which there are no protests: Series 7 Person Transfer Beer and Wine Bar, Black Canyon City KOA, Black Canyon City area, John J. Sheaffer.
  - c. Consider approval of a resolution Amending Resolution No. 1042 Establishing a Subscription Fee for Mailing Agendas and Setting a Policy Regarding Availability of Agendas. Resolution No. 1558.
  - d. Appoint Jim Stewart to the Planning & Zoning Commission as a representative of District 2, to replace Karl Rockwell, with term to expire September 1, 2008. Approved by unanimous vote after Supervisor Street provided background information on Mr. Stewart. Motion by Chairman Davis, second by Supervisor Brownlow. No comments from the public.
  - e. Consider approval of Change Orders Nos. 31 through 34 with ETW for the Verde Valley Senior Center in the additional amount of \$6,276.
  - f. Consider approval of addendum/change to the Local Workforce Investment Board By-Laws, Section IV, Item A – Membership and Section VI, Item F – Attendance, as requested by the LWIB.
  - g. Appoint Jane Bristol to the General Local Workforce Investment Board as a representative for Economic Development, to replace Mark O'Connor, with term to expire November 2008, as requested by the LWIB.
  - h. Reappoint Robert Armbruster and Elaine Bremner, both Private Sector members, to the General Local Workforce Investment Board and Executive Committees, with terms to expire September 2006, as requested by the LWIB.
  - i. Appoint Maggie Formhals to the Yavapai County Trails Committee as a representative of District 3 to replace Robert Aberg, with term to expire December 1, 2007, as requested by Development Services.
  - j. Appoint Mike Davidson to the Yavapai County Building Safety Advisory and Appeals Board as a Public Representative, to replace Michael Garcia, with term to expire October 7, 2008, as requested by Development Services (Building Safety Division).
  - k. Reappoint Kevin Lollar to the Building Safety Advisory and Appeals Board (Licensed Contractor), with term to expire October 6, 2008, as requested by Development Services (Building Safety Division).
  - l. Permission for the Prescott 4-H Club and the Prescott Car Club to put a building on the County property currently under lease to Prescott Frontier Days, to be used jointly by the public and the rodeo. To be contingent upon necessary submittals by Prescott Frontier Days pursuant to the lease agreement.
2. Request from Human Resources for approval to absorb the responsibilities of the Attorney Investigators Retirement Plan into the Public Safety Retirement System Board.
3. Requests from Superior Court:
  - a. Consider approval of appointment and reappointment of Superior Court Judges Pro Tempore for the period January 1 through December 31, 2005, contingent upon funding: Juvenile Court Commission C. Eileen Bond as Judge Pro Tempore (appointment); and reappoint current Judges Pro Tempore Ronda L. Repp, Ralph M. Hess, Warren R. Darrow and James Hancock.
  - b. Reject all bids received for audio-digital recording systems for the Justice Courts, Clerk of the Court and Superior Court. Bids opened August 31, 2004, with bids received from the following



vendors: JCG Tech, AV Innovations, Exhibit One, and FTR Direct.

4. Request from Fleet Management for approval of replacement PANT (Prescott Area Narcotics Taskforce) seized vehicle with undercover plates for previously approved unmarked PANT seized vehicle for use in the Attorney Investigations Division.
5. Request from the County Attorney for approval of \$3,000 to settle all outstanding claims related to the Medical Assistance Department lease of office space from Broad Horizons Land Development at 240 Jennifer Drive, Cottonwood. To be paid from Contingency.
6. Request from Development Services to extinguish the Development Agreement for the project known as the Tree Farm, which was approved by the Board of Supervisors on August 30, 1999, and recorded in Book 3691, Page 440, of the official records of the Yavapai County Recorder, contingent upon approval of Item 4.2, above, (preliminary plat and extinguishment of existing PAD).
7. Request from Sheriff's Office for permission to take a County vehicle out of state for extradition purposes between November 15, 2004 and February 1, 2005, while the County aircraft is out of service for maintenance.
8. Approve vouchers.

# CLAIMS AGAINST YAVAPAI COUNTY

<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	2,121,747.49	Jail District	320,960.75
District 1 Park Fund	1,459.14	District 2 Park Fund	800.20
District 3 Park Fund	177.62	CERT	398.93
WMD Planner	415.81	DOJ HS Exercise	97.47
Improve. Of Education	22.69	AZ Coop Purchas. Net	8,056.91
Adult Prob Fees – 40	547.95	Public Health Reserve	160.00
Environmental Health	9,783.91	Susan Komen Breast H.	580.69
Medical Reserve Corps	896.92	Resep Radiation Exp.	445.89
Comm. Health Center	21,881.71	AMPPHI	1,711.52
Family Planning	1,914.80	MCH Programs	1,485.28
Health Promotion	2,684.66	Cost Allocation	601.19
Nutrition	1,258.12	T.B. Control	1,696.44
WIC Program	15,491.32	Title X Family Plann.	3,500.08
Jail Enhancement	31,906.11	Juvenile Delinq. Reduct	9,784.58
Juvenile IPS	17,781.78	Family Counseling	3,160.00
Juvenile Food Prog	2,075.07	Probation Serv	38,031.37
Adult IPS	31,185.33	Adult Probation Fees	12,641.92
Prob Enhance	38,031.37	Recorder's Surcharge	2,377.91
Indigent Def/Dg	4,071.55	Misc Small Grants	485.30
Crim Just/Atty	1,098.19	Bad Check Prog	2,890.78
Juv Prob Svs	1,009.54	Commodity Fd	907.34
Hi Risk Chld HI	6,628.21	Clerk's Storage	1,382.06
HIV Counsel & Test	1,524.52	Atty Anti-Racket	2,160.00
PANT	9,014.30	Law Library	5,692.58
CASA	4,445.54	Case Processing	5,805.04
Prim. Care – V.V.	2,947.56	Victim Witness Prog	9,438.08
Court Enhancement	1,899.11	Council Court	5,877.75
Inmate Health Svs	116.69	Drug Enforce. Fund	4,244.59
Probate Fund	1,055.01	Primary Care Services	15,315.11
PC Fees VV	3,377.77	Local ADR	565.77
Victims Rights Impl	3,468.32	JAIBG Juv Acct P-II	1,682.73
Yav. Indian Agree.	1,507.33	Dietetic Intern	597.02
Immuniz Service	2,935.72	Personal Care Svs	3,347.72
Idea-Preschool	2,466.90	Subs Abuse/DARE	385.23
Chem Abuse	604.60	Family Drug Court	746.51
Juv Det/PACE	5,175.08	Collab. Comp Rev Gr	935.73
Special Program	26,353.84	Sm Schools Ecia	627.71
Sm Schools Beha	17,794.84	Professional Develop.	103.00

Fill the Gap – Courts	9,832.06	Hurf Road Funds	511,147.21
Assessor Surcharge	1,797.38	Assessor App Dev	6,839.19
Health Fund	66,386.08	Jail Commissary	87,101.72
Landfill Administ.	27,771.48	Judge Pro Tem Div B	9,046.89
Water Advisory Comm	3,356.62	Tire Recycle	9,143.70
Safe School Pro	8,228.87	Adhs-Svs Coord	3,523.05
Local Incentive Awards	1,453.97	Fill the Gap – Attorney	8,843.01
Family Law Commiss.	7,377.85	Comm Punish Pro	6,944.82
Juven. Detent Ed Pro	1,650.12	Regnl Road Project	74,566.83
Library Auto Consor	265.02	Sterilization	265.02
Health Start	443.23	Victim Compens. ACJC	2.66
Interstate Compact Pro	2,268.21	Ryan White II	3,960.92
Prepared. Bioterror	8,772.33	Primary Care Fees	33,376.78
Perinatal Block	3,102.56	Well Woman Health	4,849.87
Tobacco Educ	9,509.62	St Imple. Grant	95.89
Yav Heritage Roundup	10,000.00	School Reso. – Mayer	910.37
St Grant in Aid	22.51	Az Region Support	56.83
Direct Treatment Fund	7,904.39	Mental HealthRWJF	2,830.42
Mental Health Part.	4,172.43	Field Trainer	2,293.81
Attendant Care	27,131.20	HIV/CT	67.30
Ash Fork Bldg Rehab	43,056.14	Childrens Justice	884.66
Child Sup & Vis	893.32	Domestic Relations Ed	339.46
Self Service	878.50	VOCA	9,033.39
LTAF Vlt Local Trans	23,000.00	JTSF Treatment	5,115.11
Diversion Conseq.	1,324.11	Capital Projects	7,613.75
Jail Construction	82,823.34	Bagdad Airport	758.71
ALTCS	702,148.83	Help Debt Svs Loans	384,318.75

In addition, payroll was issued on November 12 for the pay period ending November 6; warrant numbers 2447997 through 2448366, in the amount of \$306,642.61. Jury certificates issued during this time; 6867828 through 6867934. Warrants issued for November 15 Board day, 4229868 through 4230285; 4230286 through 4231242.

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

ATTEST:

\_\_\_\_\_ Clerk \_\_\_\_\_ Chairman