

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

OFFICE OF BOARD OF SUPERVISORS
YAVAPAI COUNTY, ARIZONA

Prescott, Arizona

February 7, 2005

The Board of Supervisors met in regular session on February 7, 2005, at 9:00 a.m.

Present: Carol Springer, Chairman; Thomas Thurman, Vice Chairman; Chip Davis, 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.

CONSENT AGENDA With the exception of items C6, C16 and C18, all items were approved by unanimous vote. No comments from the public.

C – ASSESSOR

- C1. Request to purchase and license an additional new personal computer for a new position in the Cottonwood office, at a cost of \$1,500 to be paid from the Assessor's Surcharge Fund.
- C2. Pursuant to A.R.S. §42-12054, change various parcels from Legal Class 4 to Legal Class 3 as of their date of conversion, as evidenced in Board Memorandum No. 2005-1.

C – BOARD OF SUPERVISORS

- C3. Approve minutes of regular and special meetings of January 26, 2005 (regular meeting and joint session with Planning & Zoning Commission), and of special meeting of January 25, 2005.
- C4. Consider approval of intergovernmental agreement with the Arizona Department of Revenue for data processing services for the 2005 calendar year in the amount of \$160,616.50 to be paid from the Assessor's budget, Outside Services account.
- C5. Consider transferring ownership of a fax machine, two desks and 10 plastic chairs to the Dewey-Humboldt Town Council.
- C6. Consider supporting proposed amendment to A.R.S. §11-211(A) regarding decennial census. Approved by unanimous vote. Motion by Chairman Springer, second by Supervisor Thurman.

Mr. Holst explained that a few years ago the statute was changed to no longer allow counties with populations of less 100,000 to consider having a five-member Board of Supervisors. He said a portion of the bill that changed the statute also deleted language in the statute related to counties with populations of more than 200,000 and the requirement that determination of population be established by decennial census. Supervisor Davis asked if it would be appropriate to ask that language in the proposed amendment also include making a five-member Board of Supervisors in counties with populations of more than 200,000 permissive instead of mandatory. Mr. Hunt said the purpose of the amendment was really just to clarify the source of population information to be used in determining the number of Board members. Chairman Springer noted that the other county involved in this issue was Pinal County. Supervisor Davis asked if Pinal County was in agreement with the amendment. Mr. Hunt said it was. Supervisor Davis noted that a portion of the statute states that "no person holding any other county or precinct office is eligible to the office of supervisor." He asked if that meant that Board members could not serve as precinct committeemen. Mr. Hunt said it seemed logical that would be the case, but that he would look into it.

- C7. Approve vouchers.

C – DEVELOPMENT SERVICES

- C8. Community Plan Amendment from Medium Residential to Medium Commercial, Seligman Community Plan Amendment, 301-26-191C, Seligman area, Linda Feidt, Table Top Telephone, applicant, Gabriel Alvarado and Shelby Burch, owners, #H4217. Consideration of a Community Plan Amendment from Medium Residential to Medium Commercial to allow for the construction of a 30'X30' garage for the storage of vehicles and materials on a parcel consisting of a total of approximately one (1) acre. Located on Howington Boulevard, approximately 1,000 feet northeast of the Old Highway 66/Main Street intersection in the community of Seligman. S36, T23N, R06W G&SRB&M. The Planning and Zoning Commission recommended approval of the Community Plan Amendment.
- C9. Zoning map change from R1L-70 to C2-1, Agua Fria Retail Center, 501-15-005B, Black Canyon City area, Tom Lechner, TNS, LLC, agent for Black Canyon Water Improvement District, Casa Verde Consulting, owner, #H4208. Consideration of a

Zoning Map Change from R1L-70 (Residential; 70,000 sq. ft minimum) to a C2-1 (Commercial; General Sales and Services, 7,500 square ft. minimum lot size) to allow for the construction and operation of a 9,180 sq. ft. retail structure to be known as The Family Dollar Store together with a 4,000 sq. ft. building for future retail development on a 1.89 acre parcel. Located on the West side of the Black Canyon Highway 340 feet North of it's intersection with K-Field Road in the Black Canyon City area. SEC 3 TWN 8N R 2E G&SRB&M. The Planning and Zoning Commission recommended approval of the zoning map change, with the following stipulations: 1). Conditional Zoning Map Change to C1-1 shall be granted and shall be in general conformance to the Letter of Intent received December 13, 2004 and Site Plan dated 12-9-04. Any change/expansion to the site plan, or the use of the 9,000 square foot structure shall be reviewed and approved by the Planning and Zoning Commission and Board of Supervisors; 2). A Final Site Plan application shall be required for the 4000 square foot proposed future use. To be administratively approved; 3). Access to the site shall be reviewed and approved by the County Engineer. Applicant shall construct all necessary improvements to the access and roadway as determined by the County Engineer to include, but may not be limited to, required signing and traffic control necessary for safe ingress and egress to the site. All required improvements shall be built at the applicant's expense and approved by the County Engineer; 4). Applicant to meet Flood Control requirements prior to issuance of building permits; 5). Screening per Section 567 shall be waived along the North facing property boundary; 6). Certificate of Compliance to be issued and Building Permits must be obtained within 2 years of Board of Supervisors approval or the Zoning Map Change shall become null and void; 7). The use shall operate in conformance with all approvals, and in conformance with all other applicable County, state and Federal regulations.

- C10. Use permit for horse boarding facility and related activities, Hering Horse Boarding, 306-40-330C, Paulden area, Gene and Bernice Hering, #H4203. Consideration of a Use Permit in order to allow the operation of a Horse Boarding Facility for up to 12 horses and a Community Riding Arena to be used for training clinics and other horse related activities in an RCU-2A (Rural Residential, two (2) acre minimum lot size) zoning district on an approximate 16 acre parcel. Located on the southwest side of the intersection of Curtis Ranch Road and Ropers Lane approximately two and a half (2½) miles west of the Highway 89 and Midway Road intersection, in the community of Paulden. SEC 5 TWN17N R2W G&SRB&M. The Planning and Zoning Commission recommended approval of use permit, with the following stipulations: 1). Use Permit to be granted on a 10 year non-transferable basis. Development shall be in conformance with the letter of intent dated 11-1-04; site plan dated 10-12-04; citizen participation report dated 11-1-04 and all other applicable codes and ordinances; 2). Waiver of solid screening requirement.

C – FACILITIES

- C11. Award contract to design, build and replace one 65-ton chiller unit for the Yavapai County Criminal Justice and Detention Center at 255 E. Gurley Street, Prescott, to Brooks Plumbing & Mechanical, Inc., dba Brooks Mechanical Systems Services, in the total bid amount of \$57,146.77, to be paid from Facilities budget, Construction in Progress account. Bids opened January 18, 2005, with bids received from Brooks Plumbing & Mechanical, Inc., in the amount of \$57,146.77 and from Carrier Corporation in the amount of \$62,101.27.

C – FINANCE

- C12. Consider approving an increase in the mileage reimbursement rate from 34.5 cents to 37.5 cents per mile, and changes to in-state and out-of-state lodging rates, as recently adopted by the Arizona State Department of Administration.

C – FLEET MANAGEMENT

- C13. Consider approval of a secondary bid for one economy passenger van from O'Reilly Chevrolet at an additional cost of \$363.37 over the primary bid approved by the Board on December 20, 2004. Increase is still within budgeted funds.
- C14. Permission to purchase a replacement for a Facilities vehicle, lost due to accident damage, from Five Star Ford's state contract bid at a cost of \$14,237.45, to be paid from New Vehicles account using insurance reimbursement funds.

C – MANAGEMENT INFORMATION SYSTEMS

- C15. Permission to purchase two laptops for use in the Sheriff's Office, at a cost of \$3,030, to be paid from Office Supplies.

C – PUBLIC WORKS

- C16. Consider accepting dedication offered by First American Title for the roads in Creekside of Prescott, Phase 3, Lynx Creek area. Public Works Director Richard Straub participated in discussion of this item. Approved by unanimous vote. Motion by Chairman Springer, second by Supervisor Thurman.

Supervisor Davis asked whether these roads were already intended to be accepted by the County or whether they were private roads that someone wanted to make public roads. Mr. Straub said the consulting engineer that drew up the plans left off the dedication to the public and that it was a mistake. He said the intent was to dedicate the roads to the County for maintenance, and that the roads had, in fact, already been accepted by the County for maintenance.

- C17. Accept application from Antelope Lakes Water Company, Inc., to expand the service area of an existing water franchise and set hearing for March 7, 2005, at 9:00 a.m. to consider approval of franchise agreement.
- C18. Consider approval of Contract Extension with Specialty Loaders, LLC, for one year for Annual Contract for Hauling and Recycling of Passenger, Off Road and Semi Truck Tires for Yavapai County, AZ, Contract #2413788, at a cost of \$249,630.24 to be paid from Waste Tire Fund. Approved by unanimous vote. Public Works Director Richard Straub participated in discussion of this item. Motion by Chairman Springer, second by Supervisor Davis.

Mr. Straub explained that the County collects waste tires as authorized by the state and that it must then take the tires and convert them into a usable product. He said that in exchange, the state pays the County and that Yavapai County was one of the few counties actually making some money as a result. Mr. Straub said that Specialty Loaders was one of the few contractors in the state to do this kind of work, and that he was pleased with the contractor's past performance. He said the contractor had agreed to extend the contract for one year at the same price and that he felt this was a very good deal. In response to a question from Supervisor Thurman, Mr. Straub said there were several waste tire collection sites throughout the County that people could use to drop off tires. Mr. Schurr added that state law does not allow for tires to place in landfills, and instead requires that they be recycled. Supervisor Thurman asked what types of products are made from waste tires. Mr. Straub said mostly rubberized asphalt.

- C19. Reject bid received from Silver Eagle Western, LLC, in the amount of \$179,600 for Cattle Guard Construction at Various Locations in Yavapai County, Arizona, Project #2414262. Bids opened January 25, 2005; Silver Eagle was the sole bidder.
- C20. Reject bids received for East Cortez Drive Low Water Crossing in the Village of Oak Creek, Yavapai County, Arizona, Project #2010449. Bids opened January 4, 2005, with bids received as follows: Rocky Construction, Inc., \$270,613; EME West Construction, Inc., \$352,413.

C – RECORDER

- C21. Permission to purchase Lanier LD 122 Copier at a cost of \$4,312.06 to be paid from Recorder's Storage & Retrieval Account, Equipment.

C – SHERIFF

- C22. Permission to purchase three Dell personal computers to be placed in the Prescott jail, at a cost of \$4,545.03 to be paid from Jail Enhancement Funds.

C – WATER ADVISORY COMMITTEE

- C23. Permission to send a letter to the Town of Dewey-Humboldt offering a seat on the Water Advisory Committee, with Yavapai County contributing annual membership dues for the remainder of fiscal year 2004-2005.

ACTION ITEMS

A - ATTORNEY

- A1. Convene in executive session pursuant to A.R.S. §38-431.03(A)(3) and (A)(4) for legal advice regarding Arcos Cielos vs. Yavapai County. Randy Schurr, Deputy County Attorney. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman.
- A2. Reconvene in open session and consider settlement agreement in Arcos Cielos vs. Yavapai County, and from which account it will be paid. Upon a motion by Supervisor Davis, seconded by Chairman Springer, the Board voted unanimously to hold this item in abeyance for two weeks, until the Board's next regular meeting. No comments from the public.

A – BOARD OF SUPERVISORS

- A3. Consider approval of Community Development Block Grant projects for 2005. This item was held until after the study session in order for the Board to discuss the projects. Upon a motion by Supervisor Davis, seconded by Supervisor Thurman, and with no comments from the public, the Board voted unanimously to approve the following projects: American Red Cross, construction of storage unit, \$17,067; Ash Fork Development Corporation, security system for library/learning center, \$5,000; Ash Fork Development Corporation, electronic marquee communications board, \$8,000; Ash Fork Development Corporation, fencing for Centennial Park, \$4,000; Ash Fork Development corporation, paving parking lot at medical/dental clinic, \$20,000; Ash Fork Fire District, communications and fire rescue equipment, \$60,000; Catholic Social Services, storage facility for food and medical equipment, \$89,000; Habitat for Humanity, acquisition of lots, \$40,000; Mayer Elders' Club, carpeting, carpet cleaner, window enclosure and refrigerator, \$27,410; NAZ Care, purchase passenger van, \$40,000; Seligman Clinic Board, replace roof, disability accessibility and pave parking lots, \$55,500; Southern Yavapai Fire, repair engine on fire truck and purchase used tanker truck, \$60,000; Wilhoit Library Board, purchase land and construct building, \$200,000; Yarnell Fire District, pave and light fire station lot and helicopter landing area, \$128,936; Mayer Fire District, renovate fire station to include kitchen and sleeping quarters, \$168,000; and Verde Valley Senior

Center, flooring and equipment, \$60,000.

- A4. Consider funding the Arizona Wildfire Academy in the amount of \$10,000 to be paid from Contingency with the understanding that the money will be reimbursed to the General Fund from Forest Project funds. Dave Hunt, Board Attorney/Assistant County Administrator. Approved by unanimous vote. Motion by Supervisor Thurman, second by Chairman Springer. No comments from the public.
- A5. Consider approval of intergovernmental agreement with the Town of Chino Valley for management, operation and maintenance of Quail Ridge Park, Chino Valley area. Dave Hunt, Board Attorney/Assistant County Administrator. Approved by unanimous vote. Motion by Chairman Springer, second by Supervisor Thurman. No comments from the public.

Mr. Hunt said the agreement would save the County between \$30,000 and \$40,000 per year in park maintenance expenses, that it would run until June 2006, and that the agreement also anticipated a property transfer. He said it was his understanding that the Town of Chino Valley had approved the agreement. Chairman Springer said she thought this was the result of a very successful discussion with Chino Valley. She said it was appropriate that the Town have the park instead of the County having it, that they were willing to take it and that it would save the County money.

A – DEVELOPMENT SERVICES

- A6. Consider entering into an agreement for professional services with Frontline Energy Services in the amount of \$2,476 to provide Global Positioning System services in the Crown King area and authorize the Director to sign the agreement. To be paid from Outside Services account. Ken Spedding, Development Services Director. Public Works Director Richard Straub and MIS Director Stephen Welsh participated in discussion of this item. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.

Mr. Spedding told the Board that one of his department's projects was addressing and that the addressing effort was now moving into the Crown King area. Supervisor Davis asked whether the Public Works Department used to provide GPS services with regard to County roads. Mr. Spedding said he had talked with Public Works about doing this work, but that scheduling was a problem and his department would have to pay for the work either way. Supervisor Thurman asked what happens when GPS disagrees with local surveyors who have been in the area for years. Mr. Spedding said sometimes there were problems and that if a problem involved a County road he would let Mr. Straub know about it. Mr. Straub said the roads in the Crown King area were all private roads. In response to a question from Supervisor Davis, Mr. Welsh said there were sometimes discrepancies between GPS and GIS and that sometimes adjustments were made to property lines and sometimes things were just left alone.

A – FLOOD CONTROL DISTRICT (Board will resolve into Board of Directors of this District and following action will reconvene as the Board of Supervisors.) Reference: Flood Control District minutes.

- A7. Request approval for allocation of additional funds needed for approved purchase of a replacement vehicle for the District in the amount of \$2,514.81, to be paid from Motor Vehicle account. Ken Spedding, Development Services Director.
- A8. Consider approval of a professional services contract with Vertical Mapping Resources, Inc. in the amount of \$62,685 for the Black Canyon City Aerial Mapping Project, Black Canyon City area, to be paid from FEMA Restudy, Black Canyon Creek, Outside Services account. Ken Spedding, Development Services Director.
- A9. Consider approval of a professional services contract with Arroyo Engineering, LLC, in the amount of \$24,449.92 for updating the Yavapai County Drainage Manual. To be paid from Outside Services – Stormwater Management account. Ken Spedding, Development Services Director.
- A10. Consider approval of a professional services contract with Project Engineering Consultants, Ltd., in the amount of \$94,933 for the Yarber Wash Floodplain Study, Yarber Wash/Whitehorse Ranch, Highway 169/Dewey Area. To be paid from Floodplain Study, Yarber Wash, Outside Services account. Ken Spedding, Development Services Director.

A – HUMAN RESOURCES DEPARTMENT

- A11. Consider reorganization of the Recorder's Office as follows: (1) Eliminate the vacant position of Map Technician, Range 59; (2) add a part-time Recorder's Clerk I to the Voter Registration Division for 20 hours per week, Range 57; (3) reclassify the position of Office Supervisor, Range 60 to Office Manager, Range 62; and (4) add a new job of Technical Coordinator, Range 62, classified and non-exempt, to be paid from the Recorder's Storage & Retrieval Fund. Julie Ayers, Human Resources Director. County Recorder Ana Wayman-Trujillo participated in discussion of this item. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.

Ms. Ayers said that the first three changes were all changes that would affect the General Fund, while the request for a Technical Coordinator position would be paid from the Recorder's Storage and Retrieval Fund. She added that the Technical Coordinator would actually be an MIS Department position, but that it would be assigned to the Recorder. Supervisor Davis asked if this request would result in organization of the

Recorder's Office that would be similar to that in the Treasurer's Office. Ms. Ayers said that was correct.

A – MERIT AWARD BOARD

- A12. Consider approving Kathy Swope, Education Service Agency/Special Programs Division, as Employee of the Month for October 2004. Joe Huot, Merit Award Board Chairman. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public. Chairman Springer thanked Ms. Swope for her service.

A – PUBLIC WORKS

- A13. Consider authorizing the City of Prescott to annex Willow Lake Road. Richard Straub, Public Works Director. Approved by unanimous vote. Motion by Supervisor Thurman, second by Supervisor Davis. No comments from the public.

A – WATER ADVISORY COMMITTEE

- A14. Permission to purchase historical aerial imagery to determine extent of historically irrigated land in the Big Chino sub-basin at a cost not to exceed \$10,000 to be paid from the Water Advisory Committee budget. John Munderloh, WAC Coordinator. Approved by unanimous vote. Motion by Supervisor Thurman, second by Chairman Springer. No comments from the public.

Mr. Munderloh said the water use history in the Big Chino Basin had been a subject of controversy for a number of years. He said that most of the land had been irrigated agricultural land, that state law allowed for water rights transfers and that the WAC needed to know the extent and location of those transfers. He said the WAC had been relying on free photography from a variety of sources, but that there were significant time gaps in some of that information and that the WAC would like to fill in those gaps. Mr. Munderloh said that the Arizona Department of Water Resources would need to provide some of that information, and that while he was not sure whether ADWR would be able to come up with the money to do that the WAC wanted to show good faith by moving forward with this project. He said if it turned out that ADWR could not provide its share, he would have to rethink things. Chairman Springer asked if both entities were supposed to pay an equal share. Mr. Munderloh said that ADWR's share would be about \$10,000 and that the WAC's share would be about \$8,000 but that it was difficult to be certain about just exactly what it would cost. Supervisor Davis asked what purpose this information would serve. Mr. Munderloh said it would be very useful in developing the water use budget for the Big Chino Basin. He said there was data back to 1963, and that it was important to know the location and extent of where pumping occurred. Supervisor Davis asked what purpose it would serve, and whether it would amend the amount of water coming out of the Big Chino or what other value the information would have. Mr. Munderloh said it had value in terms of hydrologic monitoring for gauging headwater flow. He said that developing an accurate model would allow the WAC to do predictive management and that it would give the WAC the information it needed to have some confidence in its modeling. Supervisor Davis asked Mr. Munderloh where he would purchase the photos. Mr. Munderloh said the information was available through land agencies, private vendors, and, through vendors, the National Archives.

- A15. Permission to send a letter to the Arizona Congressional delegation suggesting that the Water Advisory Committee facilitate the formation of the Verde River Basin Partnership proposed by the Northern Arizona Land Exchange bill. John Munderloh, WAC Coordinator. Approved by unanimous vote, upon a motion by Chairman Springer, seconded by Supervisor Davis. No comments from the public.

Mr. Munderloh said the Board was aware of the portion of the Northern Arizona Land Exchange bill that provided for a Verde River Basin Partnership. He said this had far-reaching implications for the County and that there was concern about the possibility of a federal agency establishing a partnership on behalf of local government. He said the WAC had been in place for some time and that it was in a good position to be the lead organization in getting a partnership off the ground. Supervisor Davis asked Mr. Munderloh if he knew for certain that part of the exchange bill was still valid. Mr. Munderloh said that as of two weeks ago it was, but that he could make sure that was the case before sending the letter. Supervisor Davis asked if there had been any correspondence between the Congressional delegation and the WAC or Board members. Mr. Munderloh said no. Supervisor Davis said the federal government would be asking for information that the WAC had been working on. He said the federal government had denied the Board's request to have the WAC serve as the core of the new partnership, and that he wondered, given that, whether the County could ask the federal government to reimburse the WAC for the information it had already developed. Chairman Springer told Mr. Munderloh she would appreciate it if he would check on the status of the bill in the Senate to see if it was making any progress. Supervisor Davis said it was his understanding that in April there would be two identical bills submitted in the House and Senate. Supervisor Thurman asked if the letter needed to be sent before Congress started talking about the bill. Chairman

Springer said she thought so. She said there had been a great deal of time and effort expended already on the work that might have been done by this future committee. She said the WAC was a valuable resource the County did not want to lose.

HEARINGS

H – DEVELOPMENT SERVICES

H1. Use permit amendment to expand previously-approved equipment storage area and related items, Midvale Henderson Valley Use Permit Amendment, 402-15-018R, Dewey area, Dennis Farrington agent for Midvale Telephone Exchange, #H4201. Consideration of a Use Permit amendment to allow the expansion of a previously approved equipment storage area, as well as screening the property with slatted chain-link fencing in a RCU-2A (Residential; Single-family; Rural; 2-acre minimum) zoning district. Located at the northeast corner of the Barnard Way/Roper Way intersection, approximately 8,800 feet north of the S.R. 69/Old Cherry Road intersection in the vicinity of Dewey. S28, T14N, R02E G&SRB&M. The Planning and Zoning Commission recommended approval of the use permit amendment, with the following stipulations: 1). Use Permit to be approved on a permanent, non-transferable basis in accordance with the letter of intent, including amendments, and site plan submitted on November 15, 2004; 2). Alternative to solid screening requirement to allow for a six-foot (6') chain-link fence with overlapping slats to screen the outside storage area as depicted on the site plan; 3). Community Plan Amendment to be applied for and approved prior to the Use Permit amendment becoming effective; 4). Certificate of Compliance to be issued within three (3) months of Board of Supervisors approval. Development Services Director Ken Spedding noted the presence of Planning & Zoning Commission member Jon Barnert, who was present to represent the Commission. Planning Manager Elise Link presented this item, and applicant's representative Jack Maloney participated in discussion. Upon a motion by Supervisor Thurman, seconded by Chairman Springer, the Board voted unanimously to approve the recommendation of the Planning & Zoning Commission.

Ms. Link located this parcel north of S.R. 169 in the Dewey-Humboldt area, saying that the subject property was the central office and base of operations for the entire exchange area, which she said included Potato Patch and also Crossroads Ranch. She said that when the original use permit was approved there was no opposition to it and that it was on the Board's agenda as a hearing on this day because there were three letters of opposition from people who lived outside the 300-foot limit, but who were still within 1,000 feet of the subject property. She said that reviewing agencies had no concerns about the application. Chairman Springer asked when the application had gone to the Dewey-Humboldt Town Council, saying she would be reluctant to act upon it without a recommendation from that body. She asked Mr. Maloney if it would be a hardship for him to have this item delayed for a month in order to provide time for Dewey-Humboldt to make a recommendation. Ms. Link said the subject property was actually outside the Dewey-Humboldt town limits, but that the Dewey-Humboldt Community Organization had expressed concern that it had not had time to make a recommendation. She said the DHCO was notified about the application, but that there appeared to be some confusion about who in Dewey-Humboldt needed to respond. Supervisor Davis asked if it would be appropriate to make the amendment effective for two years so the DHCO would have an opportunity to look at it. There was brief discussion regarding the time frame of the original use permit, after which it was determined that the original use permit was a permanent permit and there was no need to change any of the stipulations recommended by the Commission. Mr. Schurr noted that the new stipulations attached to this application were in addition to the stipulations on the original use permit.

H2. Consider appeal of Roadway Development Fee for Robert L. Blodgett, parcel 103-10-075A, Diamond Valley area. Ken Spedding, Development Services Director. Upon a motion by Supervisor Davis, seconded by Chairman Springer, the Board voted unanimously to deny the appeal.

Mr. Spedding told the Board that Mr. Blodgett was appealing the fee for property he owns in the Diamond Valley area. He noted that the impact fee ordinance was approved by the Board in 1998, and that his department only collects the fee. Supervisor Davis said his main concern was that Mr. Blodgett had said he was not informed about the fee at the time he applied for the building permit and that the fee was not listed on the residential plan check. Mr. Spedding said there was a map in the lobby at his office showing the impact fee boundaries and that the map had been there since 1998. He said that staff is supposed to inform people about the fee, and that the fee is listed with the zoning clearance fee but not on the residential plan check because those particular fees are related to the Building Safety division. He showed the Board where the fee was listed. Supervisor Davis asked if it would be possible to add a box with a check-off where the form said "impact fee, if applicable." Mr. Blodgett said he owned Blodgett Construction Company and that he was not at odds with the ordinance but instead with how the ordinance was being interpreted by staff. He said he had researched the issue very thoroughly and that every reference he found referred to "development." Mr. Blodgett said that term applies to subdivision-type development where

roads and other infrastructure are needed, and that he was building just a simple complex where the streets were already in place. He told the Board he would receive nothing in return for the fee, and that he would swear under oath that he was not told about the fee when he applied for his building permit. He said he was told he could go back on the title company because they did not pick up the impact fee in their report, but they said the reason they did not pick it up was because the ordinance had been repealed. Chairman Springer said it was her understanding that it was not a title company responsibility unless it involved an issue that came up specific with regard to the record on the property. Mr. Blodgett said the ordinance was written for new developments and that his project was a single unit. He said the way the ordinance was being interpreted was discriminatory and therefore unconstitutional. He reiterated that he thought the ordinance was good, but that it was being misinterpreted and was not intended to apply to individual houses. Mr. Spedding said the ordinance defined "development" as construction of any dwelling unit that requires a building permit. Chairman Springer asked where the fee applied, and whether it was Countywide. Mr. Schurr said he was involved in drafting the ordinance and that he was aware of the intent of the Board when it adopted the ordinance. He explained that at the time there were two transportation plans in place, one in the tri-city area and one in the Verde Valley, and that both anticipated future transportation needs. Mr. Schurr said that one fee was adopted for the Verde Valley and another fee was adopted for the tri-city area and that in both cases the fees applied to areas affected by the transportation plans. Supervisor Davis said the impact fees are applied to the regional road program and that they were designed to help the County address being behind the eight-ball with regard to constructing regional roads. He said the Board believed that having an impact fee for all new residential construction would help in that regard. He added that the fee was not to address local or subdivision-type roads but instead to address regional road needs. Mr. Blodgett asked whether regional roads were financed by the gas tax, saying there were no regional roads in his area and that there would not be. Mr. Holst said an example of regional road improvements in Mr. Blodgett's area was the turn lanes on S.R. 69 through the Diamond Valley area. He said the County contributed money toward those turn lanes in order to enhance safety in that area. Mr. Holst said that he, himself, had paid the impact fee, as had many other people. He said that if there was an error made on Mr. Blodgett's property then there would be errors on many thousands of other properties. He said he believed everyone was pretty clear on the definition of "development" in the ordinance. Chairman Springer said what she was hearing was a difference of opinion with regard to how the wording of the ordinance should be interpreted. She said she would agree with Mr. Blodgett that the wording was less than clear, and she suggested that Development Services take another look at the ordinance and how people might interpret "new development" as opposed to "new construction." Mr. Schurr noted that Development Services only collects the impact fee, and that the ordinance was generated by the Public Works Department. Chairman Springer said she understood Mr. Blodgett's point, and that he had read the ordinance very literally. Supervisor Davis said that prior to adopting the ordinance the Board had gone through extensive public hearings. He added that the County was issuing about 6,000 building permits per year and that Mr. Blodgett was probably the only person to appeal the fee in the last five years. Mr. Hunt said the intent of the ordinance was to apply the fee to each dwelling unit, and that this type of ordinance was typically described as a development ordinance.

STUDY SESSIONS

S – BOARD OF SUPERVISORS

- S1. Discuss Community Development Block Grant projects for 2005. Margaret Keener, Division Chief for the Northern Arizona Council of Governments, and Yarnell Fire District Chief Peter Anderson participated in discussion of this item.

Chairman Springer said she understood the projects for the Verde Valley had already been established. Supervisor Davis said that the Board had previously agreed to swap CDBG money with the Town of Camp Verde in exchange for funding for the Verde Valley Senior Center. Ms. Keener said she still did not have final figures on how much CDBG money would be available, adding that President Bush had proposed moving the CDBG program to the Department of Commerce. Supervisor Davis asked Ms. Keener if she anticipated an increase in funding. Ms. Keener responded that she would have said yes at one point, but that she could no longer say that. Supervisor Davis said the swap with Camp Verde amounted to \$400,028 and that if there was an additional amount that would be available above the anticipated \$1.2 million in funding that he would like to be able to have one-third of whatever that amount was. There was brief discussion about the amount of funding available, during which Mr. Holst said he believed it was about \$466,000 for each district which would leave District 3 with about \$66,000 after deducting the commitment to Camp Verde. Chairman Springer noted that the total eligible projects added up to more than the funds available, and she suggested going through the list to see how to reduce the total amount by \$642,531. Supervisor Thurman noted that some requests, such as a request for a "jaws of life", would require

purchase of new equipment but that in other cases it might be possible to purchase used equipment. He asked whether the Board could reduce the amount of money being requested by an organization if it felt the organization might be able to purchase used equipment instead of new. Chairman Springer said yes. Ms. Keener said the Board just needed to be sure that there would be enough money to complete the project. Chairman Springer went through the list of projects, indicating which ones she was comfortable with cutting. She said she was willing to delete a request from the Ash Fork Fire District for fire hydrant pumping system improvements in the amount of \$175,000 because she did not feel the application was complete enough. With regard to funding for Habitat for Humanity, Chairman Springer said this was one of her favorite projects but that she was willing to cut the request in half, to \$100,000, because it would still allow for a complete project. She went on to suggest cutting a request from NAZ Care for two vans to one van for a total of \$40,000 and to delete another request from NAZ Care for \$100,000 for operations funds for housing development activities. Chairman Springer said she would delete a request from United Way for \$35,368 for Information and Referral funds because United Way had many different sources of revenue, but that if there was money left over from other projects she had no objection to United Way receiving those funds. Chairman Springer said that with regard to a request from Mayer Fire District for \$250,000 to renovate a fire station to include a kitchen and sleeping quarters, she would reduce that to \$150,000 because she believed firemen were creative and could get the project done for that amount. Chairman Springer said that her proposed reductions added up to \$650,368 and that this would leave about \$7,000 for United Way. Supervisor Thurman said he was not sure that would be enough for United Way to meet its project requirement of showing at least a 25% increase in services. Discussion returned briefly to the amount of money available for projects and how much would be available for additional projects in the Verde Valley. Supervisor Davis said the County had received the Town of Camp Verde's CDBG money in exchange for a commitment to return that money to the Town when it was the County's turn to receive CDBG funds. He said he would like to have one-third of available funds, and that after deducting what was already committed for Camp Verde it would leave him about \$66,000. Mr. Holst said that if the Board wanted to allow the Verde Valley to have that \$66,000 it would have reduce projects by that amount. Supervisor Thurman said he was not aware that the County had ever purchased lots for Habitat for Humanity. He said that with regard to the Wilhoit Library Board, there was a great deal of infighting going on and that there was still some contention about acquiring property. He asked what would happen if the project was funded and then the Library Board did not acquire the property. Ms. Keener said the state was proposing that if a project falls through the money be returned to the State Special Projects Fund. She added that the County had the ability to apply for projects from that fund. Supervisor Thurman said he knew that Mayer Fire District was having problems with response time because it did not have firefighters at the station. He said that in looking at Chairman Springer's proposed cut, he would like to add \$50,000 back into that project and that he would take \$50,000 from the Wilhoit Library Board project in order to do so. There was brief discussion regarding a project for the Yarnell Fire District in the amount of \$128,936 to pave and light the fire station lot and helicopter landing area. Chairman Springer said she was reluctant to change the numbers on that project. Chief Anderson said he had obtained bids for the project and that he was still hoping that it could be done for somewhat less than the amount listed. Supervisor Davis asked if it would be possible to sell NAZ Care a retiring County van. Supervisor Thurman said that organization needed vans that would hold 12 to 16 people and that Chairman Springer had already proposed cutting that request in half. Chairman Springer said she still believed that Mayer Fire District could do its project for \$150,000 because they could do much of the work themselves. Supervisor Thurman suggested dropping the Wilhoit Library Board project to \$200,000 and reducing the Mayer Fire District project by a total of \$82,000. Ms. Keener said that the State Special Projects Fund tended to look favorably on projects that were simple, such as equipment purchases. Chairman Springer said she thought a request from Southern Yavapai Fire in the amount of \$100,000 for repairs to a fire truck engine and purchase of a used tanker truck was the type of request that might be appropriate for the State Special Projects Fund. Supervisor Thurman suggested cutting that request to \$60,000. Chairman Springer said she would be willing to cut the Habitat for Humanity request back farther, to a total of \$40,000. Supervisor Davis said he thought the Board should identify what would be the next priority project in the event other projects come in under budget and there are funds left over. Chairman Springer said she thought the project most likely to go over budget would be the library in Wilhoit, and that she felt it was appropriate to name that project as the place to put any leftover funds. Supervisor Thurman said that was fine with him. Supervisor Davis said he would like to direct whatever additional funds were available for his district to the Verde Valley Senior Center.

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CLAIMS AGAINST YAVAPAI COUNTY

<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
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General Fund	3,720,398.94	Jail District	656,158.78
District 1 Park Fund	997.29	District 2 Park Fund	734.60
District 3 Park Fund	7,566.62	In Line Hockey	64,954.47
WMD Planner	1,660.88	Improve of Education	19,716.96
AZ Coop Purchas. Net	15,761.11	Adult Prob Fees – 40	1,091.72
Public Health Reserve	7,696.25	Environmental Health	20,117.27
Susan Komen Breast H.	1,153.70	Medical Reserve Corps	1,901.30
Resep Radiation Exp.	900.76	Comm. Health Center	34,181.65
AMPPHI	3,881.22	Family Planning	9,510.64
MCH Programs	4,756.28	Health Promotion	5,222.87
Cost Allocation	1,810.94	Nutrition	2,817.11
T.B. Control	1,019.36	WIC Program	33,638.05
Title X Family Plann.	5,117.33	Jail Enhancement	5,291.49
Juvenile Delinq. Reduct	21,254.26	Juvenile IPS	36,229.34
Juvenile Food Prog	4,359.86	Community Advisory Bd	290.77
Probation Serv	8,998.43	Adult IPS	63,876.54
Adult Probation Fees	22,449.31	Prob Enhance	82,509.75
Indigent Def/Dg	6,262.23	Crim Just/Atty	6,692.85
Bad Check Prog	5,985.05	Juv Prob Svs	3,601.99
Commodity Fd	2,314.60	Hi Risk Chld HI	13,033.50
HIV Counsel & Test	3,101.79	Atty Anti-Racket	6,900.42
PANT	17,711.94	Law Library	2,075.75
CASA	8,980.91	Case Processing	11,593.38
Prim. Care – V.V.	6,635.45	Victim Witness Prog	18,822.24
Court Enhancement	3,474.20	Council Court	8,350.53
Juvenile Scholarship	102.70	Inmate Health Svs	43.19
Drug Enforce. Fund	6,795.45	Probate Fund	2,287.62
Primary Care Services	26,578.11	PC Fees VV	3,346.82
Local ADR	1,381.53	Victims Rights Impl	6,936.70
JAIBG Juv Acct P-II	3,402.10	Yav. Indian Agree.	3,014.66
Dietetic Intern	1,174.03	Immuniz Service	5,971.50
Personal Care Svs	6,224.64	Idea-Preschool	2,406.55
Subs Abuse/DARE	773.16	Chem Abuse	1,212.35
Family Drug Court	1,929.09	Juv Det/PACE	10,101.24
Collab. Comp Rev Gr	3,262.09	Special Program	55,392.36
Sm Schools Ecia	1,258.41	Sm Schools Beha	39,550.10
Professional Develop.	656.10	Mobile Command C.	441.08
Fill the Gap – Courts	12,016.39	School Facilities	23.88
Hurf Road Funds	759,467.59	Assessor Surcharge	3,587.27
Assessor App Dev	16,579.34	Health Fund	129,940.81
Jail Commissary	12,926.55	Landfill Administ.	74,818.06
Judge Pro Tem Div B	20,742.87	Water Advisory Comm	6,742.31
Tire Recycle	10,376.64	Safe School Pro	16,414.03
Adhs-Svs Coord	4,750.00	Local Incentive Awards	3,260.77
Fill the Gap – Attorney	9,341.44	Family Law Commiss.	14,890.92
Comm Punish Pro	6,456.25	Juven. Detent Ed Pro	3,195.75
Regnl Road Project	22,869.42	Library Auto Consor	213.15
Health Start	4,783.59	Interstate Compact Pro	4,589.74
Ryan White II	7,992.45	Prepared. Bioterror	20,278.19
St Grant in Aid	4,547.79	Primary Care Fees	127,090.70
Perinatal Block	5,885.50	Well Woman Health	11,892.18
Tobacco Educ	18,161.79	St Imple. Grant	4,631.52
School Reso. – Mayer	1,797.83	Az Region Support	4,650.13
Direct Treatment Fund	4,721.78	Mental HealthRWJF	5,388.37
Mental Health Part.	7,238.74	Field Trainer	4,587.62
Attendant Care	45,506.53	HIV/CT	61.31
Ash Fork Bldg Rehab	870.42	Childrens Justice	126.29
Child Sup & Vis	1,771.89	Domestic Relations Ed	678.90
VOCA	16,863.66	JTSF Treatment	9,449.79
Diversion Conseq.	1,629.39	Capital Projects	280,988.78

Jail Construction	1,130.28	Bagdad Airport	581,670.49
ALTCS	8,908,879.56		

In addition, payroll was issued on February 4 for the pay period ending January 29; warrant numbers 2449784 through 2450136, in the amount of \$290,756.62. Jury certificates issued during this time; 6868925 through 6869156. Warrants issued for February 7 Board day, 4235115 through 4235596; 4235597 through 4236020; 4236021 through 4236507.

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

ATTEST:

_____ Clerk _____ Chairman