

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

March 7, 2005

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

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.

CONSENT AGENDA With the exception of items C2, C6, C7, C8, C11, C12, C19, and C22, all items were approved by unanimous vote. Motion by Supervisor Thurman, second by Supervisor Davis. No comments from the public.

C – BOARD OF SUPERVISORS

- C1. Approve minutes of February 22, 2005, and of special meeting of February 23, 2005.
- C2. Consider approval of settlement agreement for Life Teen vs. Yavapai County, in the amount of \$170,000 to be paid from Contingency. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman.
- C3. Consider approval of Taxpayer Notice of Claim for refund of taxes paid to Groom Creek Fire District in the total amount of \$1,697.39 for tax years 2001 through 2004, George and Susan Kniebes, 104-14-040A. Pursuant to A.R.S. §42-16254.
- C4. Consider acceptance of bid from Julia Couch in the amount of \$1,453.02 for purchase of County property, 500-15-192, Mayer area. Ms. Couch was sole bidder at auction held February 15, 2005.
- C5. Approve appointment of Supervisor Thomas Thurman as a Board representative to the Northern Arizona Council of Governments for 2005, to replace Chairman Carol Springer.
- C6. Consider appointment of David Maurer to the Executive Committee and the General Committee of the Local Workforce Investment Board as a private sector member, to replace David Sommer, with term to expire December 2005, as requested by the LWIB. Approved by unanimous vote. Motion by Supervisor Thurman, seconded by Supervisor Davis.
- C7. Consider reappointment of Monty Cook as a public sector member of the Local Workforce Investment Board Youth Council, with term to expire January 2009, as requested by the LWIB. Approved by unanimous vote. Motion by Supervisor Thurman, seconded by Supervisor Davis.
- C8. Approve engagement letter with Russ Parker of Appraisal Consultants, Inc. for an appraisal of the rodeo grounds. The Board took no action on this item.

Supervisor Davis said he was hoping there would be a study session for the Board to discuss the rodeo grounds and that he was not prepared to have an appraisal on the property. He said he was not sure what the master plan for the property would be and that he would like an opportunity to discuss it more thoroughly. Mr. Holst said this item could be held for a study session, but that the purpose of the appraisal was to have a better understanding of the property with regard to the possibility of talking with the City of Prescott about the potential for the City to own the property. Chairman Springer said that until the Board knew what the value of the property was, there would not be much to discuss. Supervisor Davis said he would still rather discuss it, and that for him the primary thing was that the County should be on the property until doomsday. Chairman Springer said it was her personal feeling that the rodeo grounds were an historic site and should remain in their current location. She said she thought that most of the County-owned property that included the rodeo grounds was already being used by the rodeo and that taking a big portion of that property for County purposes would not be a good idea. Supervisor Thurman said there was a great deal that the Board needed to talk about with regard to the western side of the County. He said he did not know if Fair Street was the right place to continue building County facilities. He said he had no problem postponing a decision on the appraisal on this day, but that he would want to vote on it following the next study session. Chairman Springer asked what purpose there was in delaying having an appraisal done. Supervisor Thurman said the delay would serve no purpose because the property would have to be appraised anyhow so the Board would know what it was worth. He said next time he would vote to approve the appraisal, but that he was willing to wait until the Board could discuss the property in study session. Supervisor Davis said he would like a study session.

- C9. Approve vouchers.

C – DEVELOPMENT SERVICES

- C10. Preliminary plat, American Ranch Preliminary Plat Phase 5, 100-18-081J, Williamson Valley area, Jeff Davis agent for American Ranch, LLC, #H4222. Consideration of a Preliminary Plat for 19 two plus acre single family residential lots on 51 acres in an RCU-2A (Residential 2 acre minimum lot size) zoning district for the project known as the American Ranch Phase 5. Located on the east side of Williamson Valley Road, approximately ¼ mile south of the Outer Loop Road/Williamson Valley Road intersection, in the Williamson Valley area. Located at SEC 14 T15 3W G&SRB&M. The Planning and Zoning Commission recommended approval of the preliminary plat, with the following stipulations: 1). The final plat for American Ranch Phase 5 shall be in general conformance with the approved preliminary plat, along with all other applicable codes, standards and regulations, unless waived by the Board of Supervisors; 2). Applicant to be responsible for Williamson Valley Road turn lane improvements, per the County Public Works Department specifications; 3). Approval of waiver of minimum lot width/depth requirements for lot # 204.
- C11. Amend action taken on February 22, 2005, appointing Richard Forsyth to the District 2 Board of Adjustment & Appeals to correct the term expiration date from February 22, 2009, to July 14, 2005, to reflect that he is filling the unexpired term of Bob Helgeson. Approved by unanimous vote. Motion by Supervisor Thurman, second by Supervisor Davis.

C – FINANCE

- C12. Consider approval of a County auction on May 7, 2005, of surplus computers and other data processing equipment. Approved by unanimous vote. Motion by Supervisor Thurman, second by Supervisor Davis.

Supervisor Thurman asked if the County was able to give auction items to schools or other organizations that could not afford to purchase them at auction. Mr. Holst responded that in the past the Board had provided items to schools. Supervisor Davis said that MIS Director Stephen Welsh had been very good about working with the Board to donate equipment to schools, libraries or other nonprofit organizations.

C – FLEET MANAGEMENT

- C13. Permission for Fleet Management Director David Gartner to take a County vehicle out of state to San Diego, California, March 22 through March 25, 2005, in conjunction with attendance at the RTA Annual Fleet Software Users Conference.

C – PUBLIC WORKS

- C14. Permission to purchase a replacement copier for the Verde Roads Department at a cost of \$4,545.28 to be paid from HURF.
- C15. Consider approval of extensions for completion of services of various Authorizations of Services, at no additional cost: Z&H Engineering, Inc., to January 31, 2006, for Design Services for Bagdad Airport Segmented Circle – FAA 02 (AOS#2110468); Civiltec Engineering to January 31, 2006, for Design Services for Williamson Valley Road (Pioneer Parkway to Outer Loop) (AOS #2413418); and Arcadis G&M, Inc., to June 1, 2006, for Design Services for S.R. 89 (Center Street to Road 5 South) (AOS #2413421).
- C16. Accept application from Granite Oaks Water Users Association to renew an existing water franchise agreement and set hearing for April 4, 2005.
- C17. Consider approval of a Memorandum of Understanding with the Northern Arizona Council of Governments regarding the use and replacement of regional traffic counting equipment, at a cost of \$475 to be paid from HURF.
- C18. Consider approving \$5,000 from the 2004 Local Transportation Assistance Funds (LTAF II) from District 2 for the purchase of a van for the Yavapai Senior Nutrition Providers, Inc. program in Black Canyon City.

C – SHERIFF

- C19. Consider renewal of lease agreement with Bert Teskey for the Mayer Substation for the period March 1, 2005 through June 30, 2006, at the rate of \$790.12 per month to be paid from Building, Land Lease account in the Sheriff's budget. Sheriff's Captain John Russell participated in discussion of this item. Approved by unanimous vote. Motion by Supervisor Thurman, second by Supervisor Davis.

Supervisor Thurman asked Captain Russell if Mr. Teskey was doing any repairs on the building. He said he had toured the facility recently and that it was in pretty bad shape. Captain Russell said that Mr. Teskey had previously put in air conditioning and that the Sheriff's Office was working with the County Facilities Department to make some upgrades to the building. Supervisor Thurman asked if the rent was low enough to make up for the improvements being made by the County. Captain Russell said that in the past Mr. Teskey had been agreeable with regard to the building. Supervisor Davis asked if the Board had ever looked at making a permanent substation in Mayer. Supervisor Thurman said it was something the Board needed to look at.

- C20. Permission for two Animal Control Officers to take a County vehicle out of state to Denver, Colorado, for training, May 1 through May 7, 2005.

C – SUPERIOR COURT

C21. Set public hearing for April 4, 2005, to consider increase the probate fee schedule.

C – TREASURER

C22. Ratify agreement between Yavapai County and Kmart as a debtor in bankruptcy to reduce prepetition 2002 tax amount by 50% as advised by the County Attorney and Treasurer and authorize the Treasurer to execute the agreement and abate unpaid 2002 taxes in the amount of \$7,273.55. County Treasurer Ross Jacobs participated in discussion of this item. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman.

Mr. Jacobs told the Board that Deputy County Attorney Tom Stoxen handles interactions with the bankruptcy court and that it was his understanding that the bankruptcy court had recommended that the County accept this agreement, which he said was for 50 cents on the dollar. He said that because the abatement of taxes was involved he did not feel that he could approve the agreement without coming to the Board. Supervisor Davis asked if this was an unusual situation. Mr. Jacobs said it was. Supervisor Davis asked if the County's only involvement in this matter was the abatement of taxes. Mr. Jacobs said that was correct, and that Mr. Stoxen had recommended approval of the agreement.

C – WATER ADVISORY COMMITTEE

C23. Permission to send a letter to the Arizona State Legislature supporting the annual budget request made by the Arizona Department of Water Resources.

C24. Permission to send a letter of support for a grant application to facilitate drought planning in the Verde River watershed, as proposed by the Udall Center for Studies in Public Policy.

ACTION ITEMS

A – BOARD OF SUPERVISORS

- A1. Convene in executive session pursuant to A.R.S. §38-431.03(A)(3) and (A)(4) for legal advice regarding the Verde Valley Senior Center. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman.
- A2. Convene in executive session pursuant to A.R.S. §38-431.03(A)(1) to discuss a personnel matter. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman.
- A3. Consider approval of settlement agreement and acceptance of assignment of completion of agreement with regard to Verde Valley Senior Center. Dave Hunt, Board Attorney/Assistant County Administrator. Supervisor Davis moved to approve the settlement agreement with Capital Indemnity and the assignment of completion agreement with Straightline Builders. Supervisor Thurman seconded the motion, which carried by unanimous vote. No comments from the public.
- A4. Presentation regarding United Way and request for support in conducting a United Way Campaign for County employees for 2005-2006. Jim Robak, Executive Director and Ab Jackson, Director of Development, United Way of Yavapai County. Human Resources Director Julie Ayers participated in discussion. Chairman Springer moved to deny the request for support with regard to the County payroll deduction plan. The motion died for lack of a second. Supervisor Thurman moved to allow United Way to meet with employees before or after work, at the request or approval of the department head, with the understanding that employees who want to contribute to United Way would have to do so on their own as opposed to having payroll deduction. Supervisor Davis seconded the motion, which carried by unanimous vote.

Mr. Robak and Mr. Jackson provided a brief presentation outlining the services provided by United Way and including information about what other counties are doing. Mr. Jackson talked about options for presenting the program to Yavapai County employees, saying that one option would be to have all employees receive the presentation at one time while another option would be to present it to individual departments. He said the goal was not that every employee gives, but that every employee has the opportunity to hear the presentation. He said United Way would meet with departments whenever convenient, and he asked the Board to consider supporting a United Way campaign for County employees. Supervisor Davis said he thought United Way was a good organization that helps a lot of different programs, and that his concern was that presentations be done not on County time but outside of work hours. Supervisor Thurman agreed, saying that some departments have meetings regularly at the beginning of the day and that perhaps United Way could come in early to make a presentation. He said he believed that in the past there was a flyer included in employees' paychecks. Supervisor Thurman asked if it was true that 100% of the money collected in Yavapai County stays in Yavapai County. Mr. Robak said it was about 99.3%. Chairman Springer said she believed that charitable contributions are a personal thing and that she did not believe the County should support just one charity. She said she also thought there was peer pressure involved, and that if the County approved support of one charity it would not be fair to turn down others that might make the same request. Chairman Springer said that for that reason she would not support having the County be the collection agency for United Way. Mr. Jackson said United Way was not just one charity but that it

supported 31 different organizations and could address all charitable organizations throughout the County. Chairman Springer said she appreciated the work done by United Way but that she felt if someone wanted to contribute to a particular organization they could do so. Supervisor Thurman said he had asked Mr. Robak and Mr. Jackson to make this presentation, and that he thought the Board could just say to other charities that the County does not give but they could go to the United Way for assistance. He said as long as United Way did not take up County time, he had no problem with it. Ms. Ayers said that for many years the County had conducted a passive campaign for United Way, and that at its height of participation, there were 21 County employees participating for a total annual contribution of \$2,300. She said she appreciated the fact that United Way would be willing to meet with employees outside of regular work hours, but that she wanted everyone to understand that there would be staff time involved for her department as well as time for County staff to set up rooms for presentations. Supervisor Davis said the Board had just recently approved a benefit for retired employees that would require Human Resources staff time, and that it did not know at the time it approved the benefit how many retirees would be involved. He asked if it was possible to allow employees to hear the message of United Way but instead of having payroll deduction have some other way for people to give. Ms. Ayers said she was concerned about other charities that might request County support. Mr. Schurr said the problem the Board could potentially have is that if it opened the door to United Way it would have to treat all charities the same way. He said this had been discussed with the Board in the past and that the Board had said if something like that happened it would just shut the door on all charities. Chairman Springer said that was exactly her point; that it was not fair to have the County promote one charity over others. She said she also wanted to restate her belief that charitable contributions are personal and people should not be pressured into contributing. She said that if any charity wanted to make a presentation that was not on employees' time, it was okay and that she had no problem with making space available for that purpose. Mr. Robak said United Way did not see itself as a separate charity because it represented the entire County. He said the bottom line was what was the best way to be effective without adversely affecting anyone and still get the job done. He said that United Way could represent all of the nonprofit organizations in the County. Supervisor Thurman asked Mr. Schurr whether the Board would have to open the door for any other charities if it did so for United Way. Mr. Schurr said the Board would have a difficult time justifying not doing that. He added that United Way helps many organizations but not all organizations, such as churches.

A – FLEET MANAGEMENT

- A5. Consider approval of 4th Quarter Accidents & Incidents Report for 2003-2004 and approval of 1st Quarter Accidents & Incidents Report for 2004-2005. David Gartner, Fleet Management Director and Richard Straub, Public Works Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.

Mr. Gartner noted that copies of the corrected report had been provided to Board members, saying he had taken out of the report incidents that were not preventable and should not have been included as a reportable incident. In response to a question from Supervisor Davis, Mr. Gartner said he was able to track drivers and to determine fault through police reports, insurance information and so on. In response to a question from Chairman Springer related to incidents that had been removed, Mr. Gartner said that some incidents were not really accidents but instead related to the cost of doing business. He gave as an example a tire that is cut by driving over a rock, saying there is really nothing the driver can do to prevent something like that. He said he had also found some duplication of incidents in the report and had corrected them. Mr. Straub said the Public Works Department does have incidents that occur simply as the result of doing work. He added that his department also had an accident review committee to review all at-fault accidents and that in the past five years he had fired two employees and suspended another for two weeks because of accidents. Mr. Gartner noted that the Sheriff's Office also has a review committee.

A – HUMAN RESOURCES

- A6. Consider reclassifying the Adult Probation Office Supervisor position, Range 60 (\$30,702 - \$41,796) to Office Manager, Range 62 (\$37,150 - \$50,573), at a cost of \$5,830.61 to be paid from Regular Salaries. Julie Ayers, Human Resources Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.
- A7. Consider the following changes in the Medical Assistance Department: (1) Reclassify Medical Assistance Health Nurse II position from Range 62 (\$37,150 - \$50,573) to Range 63 (\$40,865 - \$55,631); (2) reclassify the Contracts Coordinator position from Range 61 (\$33,772 - \$45,976) to Range 62 (\$37,150 - \$50,573); and (3) reclassify the Care Manager Coordinator from Range 65 (\$49,447 - \$67,313) to Range 66 (\$54,391 - \$74,045), at a cost of \$20,083 to be paid from Regular Salaries. Julie Ayers, Human Resources Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.

A – PUBLIC WORKS

- A8. Consider approval of Authorization of Services #2515189 with Project Engineering Consultants Ltd. for Post Design Services on the Old Black Canyon Highway Drainage Improvement and Overlay Project in an amount not to exceed \$20,000, to be paid from Regional Road Fund (Old Black Canyon Highway in Black Canyon City). Richard Straub, Public Works Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.

A – WATER ADVISORY COMMITTEE

- A9. Discussion and possible action to communicate as a Board to the Arizona State Legislature regarding proposals for State Trust Land Reform. John Munderloh, Water Advisory Committee Coordinator. Upon a motion by Supervisor Thurman, seconded by Supervisor Davis, the Board voted unanimously to monitor all proposed legislation related to state trust land.

Mr. Munderloh said this item had come up at a WAC meeting and that the WAC had decided not to take any action on it. He said that some of the discussion on legislation related to state trust lands included conservation lands, and that the WAC wanted him to make the Board aware that some of those discussions at the legislature included removing all the conservation lands in rural Arizona but keeping them around the Phoenix area. Chairman Springer said she personally did not support the bill Mr. Munderloh was referring to. She said that state trust lands are available for sale to provide income primarily for schools, and that the bill proposed setting aside some property for conservation on the basis that a local government might be able to purchase the property for conservation purposes. She said the bill further provides that such lands should be appraised as conservation property and that when that happens the land is not worth as much as it would be if it was going to be sold for residential development. Chairman Springer said it seemed to her that the bill was seeking to take public lands at no cost and put them into a conservation mode. She added that the bill would also allow the State Land Department to provide improvements on state trust lands in order to make them more attractive for buyers. She said the State Land Department should not be doing that, and that it should be the private sector that determines how property should be developed. She said she thought the bill was very ill-advised. Supervisor Davis said he thought the bill was worthy of discussion because of impacts to Yavapai County. He said there had been controversy over the Big Chino Basin because it provides water to so many people. He said he thought the legislature was being short-sighted in pulling out of the bill options for rural areas, especially because rural areas like Yavapai County are the recharge for Maricopa County with regard to water. Supervisor Davis said that not having the option of conservation lands would make the job of managing the Big Chino Basin more challenging. He added that he thought nearly all the proposed legislation related to state trust lands was dead. Mr. Munderloh said he had checked the status of the state trust land bills earlier on this day and that there did not appear to be much movement. He said there were a number of different bills that would do different things, and that the WAC just thought it would be a good idea to make the Board aware of them. Mr. Schurr said there were things the state legislature could do with state trust lands in order to expedite their disposal, but that it would take an amendment to the state constitution and also approval by Congress. He said he believed Supervisor Davis had a good point in saying that if the state legislature was going to propose something the rural areas should not be neglected. Chairman Springer said she could understand a decision to have some state trust lands in urban areas available to provide open space, but that she could not see the Big Chino Basin as being in that category. She said she thought the idea behind this bill with regard to the Big Chino area was to protect the water and that she did not believe that was what the state constitution envisioned. There was brief discussion about the number of bills in the legislature and the fact that they change daily. Chairman Springer said she thought that with this particular bill, the Board could either ignore it and do nothing or it could take a position in favor of or in opposition to certain portions of the bill, and that it could do the same for other legislation related to state trust lands. She said she was opposed to having state trust lands in rural areas being included in any sort of conservation issues, and that she did not support the State Land Department being able to improve trust lands in order to sell them. Supervisor Thurman said he thought the mood right now in Yavapai County was for less building and less growth, and that he thought people would like to see less state trust land available for building. He said he understood that it was a fiduciary responsibility to sell those lands for the highest value. Supervisor Thurman said the problem he had was that there were so many bills and that they changed daily. He said unless the Board saw something in a bill that was very contentious, he would have a hard time making any kind of recommendation on it. Supervisor Davis said he thought that no action was probably the best course with regard to this bill. He said this was not a "no growth" issue, and that it was something that people had been working on for about six years. He said he believed the bill delegated less than 3% of the state trust lands to conservation status, and that he believed part of the idea was that by putting some trust lands into conservation status it would enhance adjacent private lands. Supervisor Davis said it was not about "no growth", and that when the state constitution was written there were not individual school districts with

funding mechanisms other than the sale of state trust lands. Supervisor Thurman noted that Mr. Munderloh would be leaving his position as WAC Coordinator, and he thanked him for everything he had done. Mr. Munderloh said it had been a pleasure to work for the WAC.

HEARINGS

H -DEVELOPMENT SERVICES Planning & Zoning Commission Chairman Gene Kerkman was present to represent the Commission.

H1. Zoning map change to C2, Wickenburg Convenience Store, 201-10-026E and 026F, Wickenburg area, Boyd Clayton agent for Goldstar II, LLC, #H4205. Elise Link, Planning Manager. Property owner Warren Ryan participated in discussion of this item. Consideration of a Zoning Map Change to C2 (Commercial, General Sales and Services) in order to allow the construction and operation of a commercial facility including a convenience store, two fast food restaurants, fuel dispensing and a car wash in a conditional C1 (Commercial; Neighborhood Sales and Services) zoning district on an approximate 2.3 acre portion of an approximate 6 acre parcel. Located on the southwest corner of the intersection of Vulture Mine Rd and State Route 93 approximately 400 feet north of the Yavapai County and Maricopa County border north of the community of Wickenburg. SEC 28 TWN 8N R 5W G&SRB&M. The Planning and Zoning Commission recommended approval of the zoning map change, with the following stipulations: 1). Conditional C2 zoning to be in conformance with the letter of intent and site plan dated November 12, 2004 and November 15, 2004 respectively; 2). Six foot solid block wall screening to be placed along southern and western property boundaries in conformance with zoning ordinance requirements to be installed prior to initiation of use; 3). Access road/ easement along the southern project boundary to be granted for public use and recorded with the Yavapai County Recorders office prior to issuance of any zoning clearance/building permits for the property; 4). Driveways to be reviewed and approved with full construction drawings by the Public Works Department prior to issuance of a building permit; 5). All signage shall conform to the C2 zoning district requirements; 6). Applicant to apply for and obtain building permits within 1 year of Board of Supervisors approval; 7). Development to meet all other applicable local/state/federal regulations and or ordinances that may apply; 8). Certificate of Compliance shall be issued prior to initiation of use. Upon a motion by Supervisor Davis, seconded by Supervisor Thurman, the Board voted unanimously to approve this item with a change in stipulation #1 to remove the word "conditional" and in stipulation #6 to require only that the applicant apply for a building permit within one year of Board approval.

Ms. Link located this parcel just north of the County line near Wickenburg, saying that in 2001 an application for a convenience store only had been approved. She said the reason the application was on the Board's agenda on this day was because two nearby property owners were opposed to expansion of uses on the property, which she said were the drive in window and extended hours of operation. Mr. Ryan provided the Board with information about the project, saying that there had been a lengthy hearing at the Commission level. He said he believed the type of unique convenience store he was planning would set a new trend, adding that the building would be a ranch motif with twice the landscaping that one would normally see, that it would have a free dog run and seven stalls in the women's restroom. Chairman Springer asked why this was listed as a conditional zoning map change. Ms. Link said it could be changed to just C2. Chairman Springer said she would like "conditional" removed and that she would like stipulation #6 to reflect only that the applicant would have to apply for a building permit within one year of Board approval and not that he would obtain the permits within that time because how quickly things moved on the County's end was not something the applicant had any control over.

H2. Use permit to allow a pre-HUD mobile home to be used as a storage shed in an R2-4 zoning district, Kamins Shed, 502-09-015R, Black Canyon City area, Erick Kamins, #H4213. Elise Link, Planning Manager. The Planning & Zoning Commission forwarded this application to the Board with no recommendation. Consideration of a Use Permit to allow for a pre HUD Mobile Home to be used as a storage shed on a 2.61 acre parcel in an R2-4 (Residential; Multi-Family, 4,000 sq. foot minimum) zoning district. Located at 33100 Kamins Cove Road on the West side of Kamins Cove Road 510 feet Southwest of it's intersection with Maggie Mine Road in the Black Canyon City area. SEC 34 TWN 9N R 2E G&SRB&M. Upon a motion by Supervisor Thurman, seconded by Supervisor Davis, the Board voted unanimously to approve the application with the following stipulations as recommended by staff: (1) Use permit to be granted on a permanent non-transferable basis and in conformance with the letter of intent and site plan dated October 27, 2004; (2) applicant to obtain a zoning clearance for the storage unit within 60 days of Board approval; and (3) Certificate of Compliance to be issued within 60 days of Board approval.

Ms. Link told the Board that this property was currently zoned for multi-family and that it was approximately two and one-half acres in size. She said the reason for the use permit application was that the type of use the applicant was requesting was not allowed as a matter of right. Ms. Link said the

applicant planned to upgrade the mobile unit and paint it to match his residence, that would be no utilities connected to the unit and that it would be used for storage only. She said there were no objections or concerns expressed by neighbors and that, in fact, eight letters of support had been received from the neighbors. She explained that the Commission had a tie vote on this application, with three members voting "no" because they felt the use was inappropriate and with three members voting "yes" because there was no opposition from neighbors and the proposed use was less intensive than what could be built on the property as a matter of right. Chairman Springer asked if the surrounding homes were manufactured homes or stick-built homes. Ms. Link said they were manufactured homes. Supervisor Thurman said he had wrestled with this application and that he did not especially like it, but that he also did not like sea cargo containers as storage facilities and that the applicant's mobile home looked better than a sea cargo container. He said he did not think that approval of this application would set a precedent, and that if eight of the applicant's neighbors did not have a problem with it then he also did not have a problem with approving the application.

- H3. Use permit amendment, Statler RV and Vehicle Storage, 402-02-269A, within the incorporated limits of the Town of Dewey-Humboldt, David Statler, #H5008. Elise Link, Planning Manager. Town of Dewey-Humboldt Councilman Earl Goodwin participated in discussion. Consideration of an amendment to an existing temporary use permit for the Statler RV and Vehicle Storage facility to allow the use permit on a permanent/transferable basis. Located on the east side of SR 69, approximately 1 mile south of the SR 69/169 intersection, on a 4.16 acre parcel, in an R1-70 and an R1-10 (Residential, single family 70,000 sq. ft. and 10,000 sq. ft. minimum lot size) zoning district in the Town of Dewey-Humboldt. SEC 10 & 15 TWN13N R1E G&SRB&M. The Planning and Zoning Commission recommended approval of the use permit amendment, with the following stipulations: 1). Use Permit to be granted on a permanent, transferable basis for the specified use only and in conformance with the previously approved Use Permit and previously approved revised site plan dated 12-29-03. No change of use or further expansion beyond the previously approved 100 units; 2). Conformance with all other applicable local, state and federal regulations. Upon a motion by Supervisor Thurman, seconded by Supervisor Davis, the Board voted unanimously to approve the recommendation of the Planning & Zoning Commission but to add a third stipulation requiring the applicant to comply with any requirements of the Arizona Department of Transportation.

Ms. Link located this parcel along S.R. 69, saying there was access to it from a median crossover. She said the parcel was approximately four acres in size and surrounded by properties zoned for residential. She told the Board that the most recent hearing related to this parcel had occurred in 2001, at which time a use permit for RV storage was approved. Ms. Link said the current request was to change the word "temporary" in the stipulations to "permanent" and that the reason for the request had a great deal to do with bank financing and the ability of the applicant to sell the property in the future. She said the Town of Dewey-Humboldt supported the application, as did the Dewey-Humboldt Community Organization, and that County departments had not expressed any concerns. She told the Board that ADOT had indicated that it would require a right-turn lane, and added that the current application would be subject to the existing site plan. Chairman Springer asked who would be responsible for the cost of the turn lane required by ADOT. Ms. Link responded that the applicant would be responsible. Chairman Springer asked if there was any responsibility for the County to be involved in discussions with ADOT regarding the turn lane. Ms. Link said there was not. Mr. Schurr agreed, saying that ADOT could require the turn lane but that the Commission had not wanted to include reference to it in the stipulations. Supervisor Davis asked why it would not be included in the stipulations if it was something ADOT wanted. Chairman Springer said she shared that concern. She said it was the County that would approve the application but that soon the Town of Dewey-Humboldt would be responsible for it and that if something came back later the Town would surely look to the County for answers. She asked if ADOT had submitted something in writing about the need for a turn lane. Ms. Link said there was something in writing, and that staff had received that information indirectly from the applicant as a result of his discussions with ADOT. She noted that ADOT had been made aware of both the Commission and Board hearings on this matter and had indicated that it did not plan to attend either hearing. Chairman Springer asked if it would be possible to add a stipulation indicating that the cost of any turn lane would have to be borne by the applicant. Mr. Schurr said the Board could say the applicant "shall construct any improvements required by ADOT." Mr. Goodwin said that Ms. Link's recap of support from DHCO and the Town of Dewey-Humboldt was as he remembered. Mr. Statler told the Board that when this application was last heard, ADOT had no comments. Mr. Schurr said that ADOT considered the previous application to be Phase 1 and that it considered the current application to be Phase 2. Mr. Statler said he believed that ADOT was grasping, saying ADOT had no comments when he initially obtained approval for storage of 100 units and that now it was calling his application "Phase 2." Chairman Springer told Mr. Statler that she understood his frustration, but that the Board could not control what ADOT required and did not think the County should be involved in it. Mr. Statler said he had previously had fishing ponds on the property and then a nursery, and that no one had any problem with it. He asked whether, if the current

application was considered "Phase 2", it would be considered another phase every time he put up a new building. Chairman Springer said what the Board was trying to say was that the County was not willing to be responsible for putting in a right turn lane if ADOT requests it. Supervisor Thurman told Mr. Statler that the Board could not fight for him with regard to ADOT. He said he understood the problems Mr. Statler had in dealing with ADOT, but that Mr. Statler needed to understand that the Board had to ensure that the County was held harmless in this matter.

- H4. Use permit to allow for the sale of hay in an RCU-2A zoning district, Kiley Hay Sales, 306-02-661A and 661E, Chino Valley area, Thomas and Rose Kiley, #H4200. Consideration of a use permit to allow for the sale of hay from the applicant's home on a 5 acre parcel in an RCU-2A (Residential; Rural; two-acre minimum) zoning district. Located on the north side of Justray Ranch Road, approximately 2000 ft. west of Road 1 West and west of the Chino Valley Town limits. SEC 33 TWN 16N R2W G&SRB&M. The Planning & Zoning Commission forwarded this application with no recommendation. Elise Link, Planning Manager. Chino Valley residents Roger Sventek, Phil Velez and Bill Harless all spoke in favor of this application. Mrs. Kiley presented a letter of support from Chino Valley residents Charles and Marie Butkewicz. Supervisor Davis moved to approve the application with the following stipulations as recommended by staff: 1). Use permit to be approved on a permanent non-transferable basis; 2). applicant to operate the business in accordance with the site plan and letter of intent submitted with the use permit application and in accordance with all applicable codes and ordinances; 3). business allowed to sell up to 1,000 bales of hay per week; 4). applicant shall use the Road 2 South to Johnson Lane to Justray Ranch Road route for access to deliver hay to and from the subject property; 5). signs allowed per the RCU-2A zoning district; and (6) tractor trailer rig shall not be stored on the property. Supervisor Thurman seconded the motion, which carried by unanimous vote.

Ms. Link told the Board the subject property was comprised of approximately five acres and that it was in an area surrounded by residential zoning. She said that in January 2004 the applicant was granted a use permit for ten months, and that the current application would provide for a use permit on a permanent basis as well as allowing the applicant to expand hay sales to 1,000 bales per week. She noted that the Commission had a tie vote on this application, saying that the three members who voted against it did so because they felt it constituted spot zoning and also because in January 2004 the Board of Supervisors had given the applicant ten months to relocate the business. She said the three Commission members who supported the application indicated that they were supportive because there was no opposition from neighbors and because the motion on the floor at the time was for a five-year use permit. Ms. Link added that the applicant was told in October 2004 that he needed to stop selling hay. She said the access road was maintained by property owners in the area. Mr. Kiley told the Board he had been selling hay from his property for more than ten years and that he was not aware of any complaints. He said that at the Commission hearing, Commission Chairman Kerkman had expressed concern about the deterioration of Johnson Lane and Justray Ranch Road, and he acknowledged that there was a problem in this regard. He said there had been attempts to set up a road association but that no one seemed able to agree about what the roads should look like. Mr. Kiley said the dust issue was controlled as best he could by the manner in which deliveries were made. He referred to Commissioner Joan McClelland's comments at the Commission hearing about the Board's January 2004 decision that the area was not zoned commercial, saying that his request was coming before a different Board. Mr. Kiley said he was aware that his property was not zoned for commercial, but that there were at least six other property owners in the same general area who were operating businesses out of their homes, that they did not have permits and that there did not seem to be any problem. He said he believed that hay sales conformed better with general activities in the area, and that he had submitted 16 letters of support for his application. Mr. Kiley said he felt he had done everything within reason to try to conform to what had been asked of him. Supervisor Thurman said he had received a complaint about Mr. Kiley's business from someone else in the area who sells hay, but who expressed concern that he had gone to the expense to place his business on commercially-zoned property while Mr. Kiley was being allowed to compete by selling hay from his residential property. Mr. Kiley said he owned Northern Arizona Masonry and that he employed between 30 and 50 people and that he owned commercial properties. He said he did not have an issue with other masonry contractors who operate out of their homes, asking if this was the problem whether the County would have to shut down every contractor who works out of his home. Supervisor Thurman said not if they were small operators, as Mr. Kiley had been when he started his hay business, but that now he was talking about selling 1,000 bales of hay per week. Mr. Kiley said if his hay business built to selling 1,000 bales per week all year round he would secure commercial property for the business. He said that at the present time he was looking at selling up to 1,000 bales per week and that he anticipated this would happen only in the summer when hay was less expensive. He reiterated that when he reached the point where he was selling 1,000 bales per week year round he would relocate his business to commercial property. Supervisor Thurman told Mr. Kiley he also needed to understand that the access road was private, and that it was possible that people who were not

interested in horses might move into the area and that they might complain about the dust. He said Mr. Kiley's neighbors could be totally different in five years. Mr. Sventek, Mr. Velez and Mr. Harless all expressed support for this application. Supervisor Davis asked if there was anyone present who was opposed to the application. There was no response.

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H – PUBLIC WORKS

H5. Consider renewing franchise agreement with Antelope Lakes Water Company, Inc., which has been amended to expand existing service area. Richard Straub, Public Works Director. Approved by unanimous vote, with no comments from the public. Motion by Supervisor Davis, second by Supervisor Thurman.

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CLAIMS AGAINST YAVAPAI COUNTY

<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	2,111,865.53	Jail District	382,506.57
District 1 Park Fund	434.03	District 2 Park Fund	350.01
District 3 Park Fund	4,056.47	WMD Planner	928.53
HS 2003 Primary	558.80	Improve of Education	23.88
AZ Coop Purchas. Net	6,767.41	Adult Prob Fees – 40	543.09
Public Health Reserve	1,067.28	Environmental Health	9,741.53
Susan Komen Breast H.	576.85	Medical Reserve Corps	706.53
Resep Radiation Exp.	445.40	Comm. Health Center	20,181.47
AMPPHI	2,260.95	Family Planning	4,643.03
MCH Programs	2,953.90	Health Promotion	2,641.43
Cost Allocation	4,253.43	Nutrition	1,633.56
T.B. Control	242.74	WIC Program	17,003.38
Title X Family Plann.	1,120.77	Jail Enhancement	6,933.25
Juvenile Delinq. Reduct	10,837.03	Juvenile IPS	15,166.10
Family Counseling	1,050.00	Juvenile Food Prog	2,364.06
Probation Serv	4,808.77	Adult IPS	33,249.79
Adult Probation Fees	11,311.60	Prob Enhance	41,057.10
Recorder's Surcharge	4,676.46	Indigent Def/Dg	4,118.05
Misc Small Grants	124.02	Crim Just/Atty	3,435.35
Bad Check Prog	2,681.52	Juv Prob Svs	1,819.99
Commodity Fd	906.03	Hi Risk Chld HI	7,206.94
HIV Counsel & Test	2,030.16	Atty Anti-Racket	5,050.49
PANT	7,767.81	Law Library	1,405.95
CASA	4,788.65	Case Processing	5,393.64
Prim. Care – V.V.	5,192.27	Victim Witness Prog	9,470.08
Court Enhancement	1,649.17	Council Court	7,423.87
Inmate Health Svs	1,743.25	Drug Enforce. Fund	2,146.15
Probate Fund	1,243.03	Primary Care Services	11,809.46
PC Fees VV	494.01	Local ADR	940.68
Victims Rights Impl	3,410.55	JAIBG Juv Acct P-II	1,707.09
Yav. Indian Agree.	1,328.28	Dietetic Intern	586.87
Immuniz Service	3,003.59	Personal Care Svs	3,106.44
Idea-Preschool	1,565.31	Subs Abuse/DARE	511.11
Chem Abuse	871.60	Family Drug Court	1,581.21
Juv Det/PACE	5,090.87	Collab. Comp Rev Gr	1,494.11
Special Program	24,686.67	Sm Schools Ecia	964.97
Sm Schools Beha	21,942.54	Mobile Comm. Center	2,137.46
Fill the Gap – Courts	5,651.54	Hurf Road Funds	438,253.23
Assessor Surcharge	3,273.74	Assessor App Dev	8,289.18
Health Fund	66,715.31	Jail Commissary	6,506.32
Landfill Administ.	31,220.00	Judge Pro Tem Div B	10,568.37
Water Advisory Comm	3,356.55	Tire Recycle	8,853.96
Safe School Pro	8,205.18	Adhs-Svs Coord	5,872.02
Local Incentive Awards	1,583.58	Fill the Gap – Attorney	4,759.43

Family Law Commiss.	7,501.20	Comm Punish Pro	4,443.79
Juven. Detent Ed Pro	1,595.62	Regnl Road Project	24,872.95
Library Auto Consor	40.77	Health Start	3,204.34
Interstate Compact Pro	2,321.70	Ryan White II	4,482.30
Prepared. Bioterror	10,196.72	St Grant in Aid	1,557.31
Primary Care Fees	69,855.98	Perinatal Block	3,053.90
Well Woman Health	5,369.40	Tobacco Educ	14,190.24
St Imple. Grant	170.84	School Reso. – Mayer	907.79
Az Region Support	1,294.32	Direct Treatment Fund	2,295.74
Mental HealthRWJF	4,870.06	Mental Health Part.	4,870.06
Field Trainer	2,591.98	Attendant Care	24,494.81
HIV/CT	34.22	Ash Fork Bldg Rehab	8,283.50
Childrens Justice	840.08	Child Sup & Vis	908.20
Domestic Relations Ed	339.40	Self Service	126.44
VOCA	8,172.02	LTAF Vlt Local Trans	2,000.00
JTSF Treatment	5,321.14	Diversion Conseq.	956.69
Capital Projects	4,193.34	ALTCS	665,141.06

In addition, payroll was issued on March 4 for the pay period ending February 26; warrant numbers 2450834 through 2451178, in the amount of \$302,528.96. Jury certificates issued during this time; 6869612 through 6869672. Warrants issued for March 7 Board day, 4237395 through 4237816; 4237817 through 4238280.

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

ATTEST:

_____Clerk _____Chairman