

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

August 15, 2005

The Board of Supervisors met in regular session on August 15, 2005, in Cottonwood, Arizona, 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.

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 C4., C13., and C20., all items were approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.

C – BOARD OF SUPERVISORS

- C1. Minutes of meeting of August 1, 2005, and of special meeting of July 27, 2005.
- C2. Liquor license for which there are no protests, Series 7 Person Transfer, Dahl and Diluca Aroma, Sedona area, Lisa Dahl.
- C3. Approve vouchers.
- C3A. Tax claim settlement, Eagle West LLC/FINOVA.

C – DEVELOPMENT SERVICES

- C4. Final plat, Quail Canyon Subdivision, 406-15-474, Verde Village area, Pender Engineering – Tom Pender, P.E., agent for Cottonwood Associates, LLC, #H5137. Consideration of a Final Plat for the project to be known as Quail Canyon Unit 2 in the R1L-70 (Residential; Single-family; limited to site built only; 70,000 square foot minimum parcel) Zoning District consisting of 51 residential single-family lots on approximately 104 acres. Located on the south side of Quail Springs Ranch Road and approximately 1,000 feet west of its intersection with Old Hwy 279 in the Cottonwood/Verde Village area. Participating in discussion of this item were Development Services Director Ken Spedding, Assistant Development Services Director Enalo Lockard, Tom Pender of Pender Engineering, Cottonwood Associates, LLC partner Al Gradijan, Yavapai County Trails Committee chairman Diane Lovett, and Planning & Zoning Commission member Joan McClelland. Supervisor Davis moved to approve the final plat but to delete the stipulation requiring a trail easement. Supervisor Thurman seconded the motion, which carried by unanimous vote.

Mr. Lockard said that the applicant had requested that this item be pulled from the Consent Agenda for discussion because of concerns about stipulation for a trail easement. He said the applicant was to work with the Forest Service and the trails coalition to establish a trail in the subdivision, and that the applicant had said he would provide an easement for a trail but that it would expire after two years if the trail was not developed. Mr. Lockard said staff had changed the stipulation to make it a dedication of easement to the County, but that the applicant did not feel that was in his best interest. Mr. Pender said the applicant was not completely opposed to a trail going through his property but that he would like conditions placed on it, primarily with regard to who would be responsible for it. He added that the Forest Service was not very interested in having a trail through the property to gain access to Forest Service lands. Mr. Gradijan said he was the owner and developer of the Quail Canyon Subdivision, and that the process to develop the subdivision had been going on for four or five years. He said his plan had always been to have the very best community development in the Verde Valley, and that toward that end he had provided paved roads and fire and water systems beyond what anyone else was providing. He said that in addition the subdivision's CCRs would require that each house have a sprinkler system for fire protection, and he added that it would be a gated community. Mr. Gradijan said the Forest Service had no interest in having hiking trails onto its land, and that the state land department was not interested in having trails onto its property, which he said was also adjacent to his property. He told the Board that all of the other property adjacent to his was privately owned. He said his property was comprised of 120 acres on this day, but that within a few years 60 people would own two-acre lots, and he asked the Board if it thought those people would want a public access through their gated community. Mr. Pender said his client's feeling was that if he granted an easement through the property he should be immune from anything that comes about because of that easement. Chairman Springer asked if there was anything else related to the final plat that the applicant saw as a problem. Mr. Pender said there was not. Chairman Springer said she agreed with the applicant's point of view, and that the stipulation for the trail easement seemed ridiculous because there was no way to gain

access to the trail from any of the lots given the current configuration of the subdivision. Supervisor Davis said he thought there was an issue with regard to private property but that the Board's role was to plan for the County as a whole and that part of that meant planning for access for trails. He said that as the County has grown access to trails had been fenced off, and that the Board was just trying to ensure future access. Supervisor Davis said the Board did not mean to infringe on private property rights, but that he felt it was imperative to retain access for trails. Chairman Springer said it seemed to her that in that case the entire plat would need to be reconfigured. Supervisor Davis said the trail easement was through a wash. Mr. Pender said that was true, and that the easement would have a small impact on private property. He said the applicant was willing to grant the easement but that he wanted stipulations on it. Mr. Pender said the applicant was aware that the City of Cottonwood wanted the easement reserved, and that his client just did not want to be liable for it. Chairman Springer asked how far any portion of the current trail system was with regard to linking to the subject section. Mr. Lockard said there currently was no trail, and that the access was part of the City of Cottonwood's general plan for trails in the area, but that there was no trail in that area at the present time. Ms. Lovett said that the access was very important for the future. She said it was a difficult situation, but that the County would not want to find itself in the same situation as the City of Scottsdale, where there were horse properties and people who wanted to ride bicycles who could no longer reach trails without driving. Supervisor Davis asked Ms. Lovett if she thought it might be possible to acquire access across the Forest Service property instead of going through Mr. Gradijan's property. Ms. Lovett said she did think that was a possibility. She said it would take a great deal of work to make that happen, but that the Trails Committee was already doing that type of work on other properties and that it could do the same in this case. Supervisor Davis said he understood the developer's position because the subdivision would be a gated community. He said if it was possible to complete connectivity through public lands and avoid having to go across private lands it would be a good thing. Ms. Lovett said she believed it was worth exploring. Chairman Springer said that in any event the Trails Committee would have to work with the Forest Service with regard to the proposed trail. Ms. Lovett said that was exactly right. Mr. Spedding said that the request for the trail easement came from the trails people but that it was also part of the City of Cottonwood's trails plan. He said that the County's trails plan was directed a preserving access to existing trails and that this situation was different because there was no existing trail and that no one knew at this time whether there would ever be a trail. Mr. Spedding said that because the private properties adjacent to the applicant's property could be split there was no way to require trail easements on them. He said the applicant could end up with an easement through his property that would not go anywhere, and that he did not know why trail access could not be along Ogden Ranch Road. Supervisor Davis said there could be a trail along old Highway 279 to connect to Ogden Ranch Road. Mr. Spedding said that perhaps the City of Cottonwood could require access along its property in the future. He said if there was an existing trail in this case it would be a different story but that was not the case. Ms. McClelland said there was some discussion at the Commission meeting regarding the trail easement and that the applicant was not very happy with that particular stipulation but that the Commission had not had the level of discussion that she was hearing on this day. Supervisor Davis said the trails plan called for preservation of existing trails and there was no existing trail in this case and that connectivity could be provided in other ways. He said he wanted to thank Mr. Pender for his work on this issue, and that he believed access could be accomplished without having to go into a private subdivision.

- C5. Final plat, Thunder Ridge Phase VI, 405-23-011P, Rimrock area, Pender Engineering – Tom Pender, P.E., agent for American West Capital One L.C., #H5140. Consideration of a Final Plat for the project to be known as Thunder Ridge Phase VI in the RCU-2A (Residential; Rural; 2 acre minimum parcel) zoning district consisting of 16 residential single family lots on approximately 51.5 acres. Located at the end of Falcon View Drive approximately 600 feet east of its intersection with Thunder Ridge Road in the Rimrock area just north of the Beaver Creek School. On August 19, 1996, the Board of Supervisors approved the preliminary plat as recommended by the Planning & Zoning Commission, modifying stipulation #13 to provide that project CCRs shall discourage uncontrolled access to adjoining National Forest lands except at designated access points.

C – FLOOD CONTROL DISTRICT Reference: Flood Control District minutes.

- C6. Intergovernmental agreement with the Town of Camp Verde in the amount of \$57,411 for drainage related improvements, to be paid from Outside Services.
- C7. Intergovernmental agreement with the Town of Chino Valley in the amount of \$124,440 for drainage related improvements, to be paid from Outside Services.
- C8. Intergovernmental agreement with the City of Prescott in the amount of \$302,792 for drainage related improvements, to be paid from Outside Services.
- C9. Intergovernmental agreement with the Town of Clarkdale in the amount of \$67,785 for drainage related improvements, to be paid from Outside Services.

- C10. Intergovernmental agreement with the City of Cottonwood in the amount of \$85,000 for drainage related improvements, to be paid from Outside Services.
- C11. Intergovernmental agreement with the Town of Prescott Valley in the amount of \$1,220,258 for the Glassford Hill interceptor project, to be paid from Outside Services.
- C12. Intergovernmental agreement with the City of Sedona in the amount of \$85,000 for drainage related improvements, to be paid from Outside Services.

C – LIBRARY DISTRICT Reference: Library District minutes

- C13. Contract services with Yavapai Courier and N AZ Ventures for delivery of library materials to nine libraries, at a cost of \$22,427 to be paid from Outside Services.

C – POQUITO VALLEY ROAD IMPROVEMENT DISTRICT Reference: Poquito Valley Road Improvement District minutes.

- C14. Contract and Authorization of Services #2515370 with Dava & Associates for engineering services in an amount not to exceed \$237,865 and approval to reimburse the Yavapai County Regional Road Fund at a later date for funds used for professional engineering services.

C – PUBLIC DEFENDER

- C15. Hire Robert Gundacker for an open Attorney II position.

C – PUBLIC WORKS

- C16. Resolution for adoption of the National Incident Management System. Resolution No. 1589.
- C17. Accept roads in Thunder Ridge Phase IV as fully-maintained County roads and release funds held in retention under the financial assurances.
- C18. Accept road in Thunder Ridge Phase 2 as a fully-maintained County road and release funds held in retention under the financial assurances.
- C19. Purchase front end wheel loader at a cost of \$302,048.17 using Coconino County's bid awarded to Empire Machinery on August 10, 2004. To be paid from HURF Equipment \$5,000+ account.
- C20. Extensions for completion of services to March 31, 2006, for the following Authorizations of Services with TranSystems Corporation: AOS #2414012, Bridge Valuation for 13 Bridges in Yavapai County; and AOS #2515190, Geotechnical Services SR 89/89A Traffic Interchange. Public Works Director Phil Bourdon participated in discussion of this item. Approved by unanimous vote, upon a motion by Supervisor Thurman, seconded by Supervisor Davis.
- C21. ADOT Aeronautics grant E6S15 to expand fire protection system and for design of a control tower at the Sedona Airport. Grant amount is \$466,018 with Sedona Airport Administration match of \$51,780 for a total of \$517,798. No County funds involved.
- C22. Reject bids received for Three Foot Minus Rock Material and One-Inch ABC-Type Material in Yavapai County, AZ, Contract #2513848. Bids opened August 2, 2005, with bids received from the following vendors: Rinker Materials; and Weston Concrete & Materials, Inc.

C – SELIGMAN SANITARY DISTRICT Reference: Seligman Sanitary District minutes.

- C23. Contract with Valley Collection Service for collection of delinquent accounts.

C – SHERIFF

- C24. Take County vehicle out of state to Salt Lake City, Utah, September 10-16, 2005, in conjunction with Capt. Ron Klein's attendance at the annual Spillman Training/Users Conference.

ACTION ITEMS

A – BOARD OF SUPERVISORS

- A1. Set primary and secondary property tax rates for 2005 for the following jurisdictions: Yavapai County, Fire District Contribution, Yavapai County Free Library District, Yavapai County Flood Control District, Fire Districts, Granite Gardens Sanitary District, Ash Fork Street Lighting Improvement District, Seligman Street Lighting Improvement District, and Yarnell Street Lighting Improvement District. Jim Holst, County Administrator. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.

Mr. Holst noted that a tax rate for bond debt service had been added to the tax rates being set for Central Yavapai Fire District. He said the Board has the responsibility to set the tax rates for the jurisdictions listed, and that in prior years the Board had seen more tax rates because he had combined rates for jurisdictions for which the Board was required to set the rates with jurisdictions for which the Board did not set the rates. Mr. Holst said that this year he wanted to be more specific and that the jurisdictions listed were the only ones for which the Board was required by law to set the tax rates. Chairman Springer

said that Arizona's property tax system was the most confusing system in the country. She said the jurisdictions listed on the agenda were the only ones over which the Board had any control with regard to setting the rates, adding that the Board does not set tax rates for school districts, the community college or for cities and towns. Mr. Holst said there was another statutory process that he would bring back to the Board related to the collection of tax rates for the purpose of sending them to the County Treasurer for collection. Mr. Hunt said the intention this year was to make it very clear that there are two functions with regard to tax rates and that the County was just trying to avoid any confusion among the taxing entities as to who is responsible for what. Supervisor Davis said he thought that was a good idea.

- A2. Set percentage of 2005-2006 Forest Fee receipts to be reserved for PL 106-393 Forest Projects and set deadline of December 1, 2005, for receiving applications for projects, with allocation of funds to take place at the Board's first regular meeting in February of 2006. Dave Hunt, Board Attorney/Assistant County Administrator. Upon a motion by Supervisor Davis, seconded by Supervisor Thurman, the Board voted unanimously to set the percentage at 15%. Upon a motion by Supervisor Davis, seconded by Supervisor Thurman, the Board then voted unanimously to set December 1, 2005, as the deadline for accepting applications. No comments from the public.

Mr. Hunt said that each year the Board must identify the percentage of fees it will allocate for forest projects and that the allocation had been between 15% and 20%. He said the Treasurer's Office had requested that the Board complete that process by September 1 so that office would have time to transmit the information to the U.S. Department of Agriculture. He said the Board might also want to consider setting a deadline for project applications and that since funds generally became available in December it might be a good idea to make the deadline December 1. Mr. Hunt said that based on \$896,284 as a working estimate for anticipated forest fees, a 15% allocation would provide \$134,442 in project funds and a 20% allocation would result in \$179,256 being available for projects. Supervisor Davis said that would leave either 80% or 85% to be distributed to roads and schools. He added that historically the Board had given 75% of the remainder to roads and 25% to schools. Supervisor Davis said he would give 15% for projects. Chairman Springer asked why he would not give 20%. Supervisor Davis said allocating 15% for projects would leave the County with more money for roads and schools. Chairman Springer said she just wanted to remind the Board that the County had a couple of ongoing expenditures that were paid for from the forest projects, including the Sheriff's forest patrol.

- A3. Bids received for Camp Verde Wastewater Treatment Plant. Bids opened June 7, 2005, with bids received as follows: Fann Environmental LLC, \$2,570,240; and Jonovich Companies, Inc., \$2,611,000. Dave Hunt, Board Attorney/Assistant County Administrator. After Mr. Hunt explained that all items related to the intergovernmental agreement between the County and the Yavapai-Apache Nation for wastewater services were in place, the Board voted unanimously to reject both bids. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.

A – DEVELOPMENT SERVICES

- A4. Professional Services contract with Community Sciences Corporation for the Verde Valley Regional Land Use Plan, in the amount of \$150,000 with \$120,460 to be paid from Outside Services and the balance to be paid from funds contributed by the incorporated communities of Sedona, Clarkdale, Camp Verde, Cottonwood and Jerome. Ken Spedding, Development Services Director. Community Sciences Corporation Vice President Richard Counts participated in discussion of this item. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman.

Mr. Spedding said that some months ago he had received authorization from the Board to issue requests for proposals for this project and that money for it was approved in the budget. Supervisor Davis said he did not recall the County having done business with this company in the past. Mr. Spedding said that CSC was one of the subcontractors on the County General Plan, that they were respected throughout Arizona and also had offices in New Mexico and some other southwestern states. Supervisor Davis said he was concerned about how the Board could ensure that local input was included. Mr. Counts said that in addition to working on the County's General Plan, his company had done both public and private work. He said he worked with Public Works Director Phil Bourdon in the past, and that he had also done work for the City of Prescott and the Town of Prescott Valley. He said that in addition to working on county general plans, his firm had also done about 20 municipal plans. Mr. Counts said he was well versed in public land transfers, which he understood was an important issue in the Verde Valley. He told the Board that he had already begun to schedule meetings in each of the five incorporated areas in the Verde Valley as well as touching base with the unincorporated areas. He said his firm liked to listen and learn, and that he believed because there was already an adopted County General Plan it would not be necessary to start at the beginning with the regional plan but that it would be important to include in it community character. He added that he would like very much for local historians to help with the project to ensure that information is correct. Supervisor

Davis asked Mr. Counts if he had ever done a regional plan. Mr. Counts said he had done such plans for the Phoenix area, one in New Mexico and one in the Four Corners area for Colorado. Supervisor Davis asked if those plans all had diversified political characteristics. Mr. Counts said they did. Supervisor Davis said he was excited about having work on the plan begin.

- A5. Revisions, modifications and additions to the Yavapai County Drainage Criteria Manual, as recommended by the Yavapai County Flood Control District. Ken Spedding, Development Services Director. Approved by unanimous vote, upon a motion by Supervisor Thurman, seconded by Supervisor Davis. No comments from the public.

Mr. Spedding said the Manual was first adopted in 1998 and that the changes mostly focused on including Arizona state standards and that the standards were designed to help property owners, government agencies, engineers and others with regard to flood plain management. He said that another significant change had to do with the addition of storm water drainage criteria that primarily related to storm water pollution prevention.

A – HUMAN RESOURCES

- A6. Hire Judy Bender for the Assessor's System Manager position at \$69,554 which is Step 12 of the assigned range, to be paid from Regular Wages-Assessor's Surcharge Fund. Julie Ayers, Human Resources Director. Ms. Ayers participated via teleconference from Prescott. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.

A – PUBLIC WORKS

- A7. Change Order #1 to Authorization of Services #2414012 with TranSystems Corporation for Phase II of Professional Bridge Evaluation for Thirteen Bridges in Yavapai County in an amount not to exceed \$81,991 to be paid from HURF Bridge Repair account. Phil Bourdon, Public Works Director. Approved by unanimous vote. Motion by Supervisor Thurman, second by Supervisor Davis. No comments from the public.

Mr. Bourdon explained that this was for the second phase of evaluation of 13 bridges. He said that the first phase had involved collecting data about the bridges and that the second phase would provide for testing on them and that each of the bridges would receive structural analysis. Supervisor Thurman asked if this had ever been done before. Mr. Bourdon responded that inspections had been done before but that the County had never had this large a number of bridges come back as needing analysis.

HEARINGS

H – DEVELOPMENT SERVICES Planning & Zoning Commission member Joan McClelland was present to represent the Commission.

- H1. Use permit to allow for placement of a manufactured home in an R1L-70 zoning district, Hancock/Yoemans Manufactured Home, 405-23-039B, Rimrock area, Miriam Youmans agent for Daniel Hancock and Zoe Yeoman, #H5108. Enalo Lockard, Assistant Development Services Director. Consideration of a use permit in an R1L-70 (Residential; Single Family Limited, 70,000 sq. ft. minimum parcel) zoning district to allow for the placement of a manufactured home. Located 1 mile northeast of the Beaver Creek and I-17 interchange in the Rimrock area. This 10.9-acre parcel is also partially zoned RCU-2A (Residential, Rural, two-acre minimum parcel). S35 T15N R5E G&SRB&M. The Planning and Zoning Commission recommended approval of the use permit with the following stipulations: 1). The use permit shall be permanent, transferable and in conformance with the Site Plan dated 3-7-05 and Letter of Intent (undated); 2). The applicant shall work with Public Works to satisfy any requirements regarding access and traffic safety as expressed in the Plan Review Comments letter dated 6-17-05; 3). Placement permits for the home shall be applied for and a Certificate of Compliance shall be required within 2 years of the Board approval showing adherence to all stipulations or the use permit shall become null and void. Dan Haskell expressed opposition to the application, while Ms. Yeoman and Ms. Youmans spoke in favor of it. Upon a motion by Supervisor Davis, seconded by Supervisor Thurman, the Board voted unanimously to approve the recommendation of the Planning & Zoning Commission.

Mr. Haskell said that the applicant's agent said she had asked all of the neighbors whether they had any objection to the application and that they all approved of it. He said that he had asked the neighbors who had custom homes how they felt about it and that they did not approve. He said he wanted to build a custom home on his property and that he did not like the idea of having mobile homes in the area, and that they often had junk and numerous vehicles around them. Ms. Yeoman said she took exception to Mr. Haskell's comments, and that his property was not adjacent to her property. She said she had no plans to sell her property and that she had no plans to put junked cars or any other kind of junk on her property. Ms.

Yeoman told the Board she was certain that she and her husband and Mr. Haskell could work together. Supervisor Thurman asked what year the manufactured home was and whether it was a doublewide. Ms. Yeoman said she and her husband were looking at a 3,500-square-foot manufactured home. Supervisor Thurman asked Ms. Yeoman why she decided to purchase a manufactured home instead of a stick-built home. Ms. Yeoman said she and her husband wanted to have some money left over to do some other things, and that given the way that modular homes were being made it was the best bang for the buck. Ms. Youmans said that she took exception to Mr. Haskell's comment that she did not properly inform neighbors about the application for the use permit. She said the requirements were that all property owners within 300 feet of the applicant's property be notified, and that this was exactly what she had done. Ms. Youmans said her client had purchased the property under the impression that a manufactured home could be placed on it but that because of an issue that came up after the purchase she had done further research and found that the property was not zoned in such a way as to allow for a manufactured home. She said the only other thing her client could do was apply for a use permit. Ms. Youmans said her client's family had a long history of keeping their property in good shape, and she asked that the Board grant the use permit.

- H2. Extension of a PAD or extinguishment and reversion to underlying zoning, Cottonwood Creek, 406-03-002B and 003, Bridgeport area, Development Services Staff, #H5117. Enalo Lockard, Assistant Development Services Director. Consideration of an Extension of a Planned Area Development (PAD) or Extinguishment and Reversion to the underlying zoning district and the extinguishment of the Final Site Plan. Located on 1.4 acres approximately one-half mile east of Highway 89A/Highway 260 intersection in the Cottonwood/Bridgeport area. S2 T15N R3E. The Planning and Zoning Commission recommended approval of the Extinguishment and Reversion to Underlying Zoning. Joy Sirkin Girardin and Dee Strong spoke in opposition to the Commission's recommendation for extinguishment and reversion. Upon a motion by Supervisor Davis, seconded by Supervisor Thurman, the Board voted unanimously to approve the recommendation of the Planning & Zoning Commission.

Ms. Girardin said she was present on behalf of her mother, Esther Sirkin-Baranov, who she said owned the subject property, and that she was requesting that the PAD zoning be extended. She said her mother had owned the property for 16 years and had hoped to have a farmer's market on the property, but that her mother was now 93 years of age and her family was trying to market the property. She said that keeping the PAD zoning in place would make the property more attractive to potential buyers. Ms. Girardin said her mother had not wanted her family to be involved in the property, but that because of her age they were now involved. She told the Board she also wanted to apologize for the tractor sales on the property, saying that she did not realize it was a problem and that she would do whatever was needed to resolve the issue. Supervisor Thurman asked Ms. Girardin if her mother had water rights to the property through the Cottonwood Ditch Association. Ms. Girardin said she had asked her mother about it and that her mother had said she did have water rights, but she added that she did not have access to any paperwork that might prove it. Mr. Strong said he was the agent in charge of having plans drawn for the property years ago, and that the plan for the property was to keep it as a park-like property. He noted that the property was located just east of the Verde Hay Market and said it was his understanding that the property did have water rights from the Cottonwood Ditch Association. Mr. Strong said that the PAD zoning had a low impact on the neighborhood, and that he had worked with the neighbors on the plan. He said he believed there was an advantage to keeping the PAD zoning in place, and that since it had initially taken most of year on his part and on the County's part to obtain the PAD zoning he thought it would be to everyone's advantage to keep the zoning in place because Ms. Baranov wanted to encourage a buyer to stay with the low impact PAD. Supervisor Davis said he thought the property would be better served by allowing reversion to the original zoning.

- H3. Zoning map change from R1L-70 to PAD and a Minor Community Plan Amendment, Sedona Pines II, 408-29-002B and 002G, west Sedona area, Leonard Wayne, Sedona Pines LLC agent for Schecter Vila Sedona I, #H5121 and #H5122. THIS APPLICATION WAS WITHDRAWN AT THE REQUEST OF THE APPLICANT. NO ACTION WAS TAKEN BY THE BOARD OF SUPERVISORS.

EXECUTIVE SESSION: ACTION ITEM RELATED TO EXECUTIVE SESSION

E – BOARD OF SUPERVISORS

- E1. Pursuant to A.R.S. §38-431.03(A)(3) and (A)(4) for legal advice regarding Cottonwood Affordable Housing v. Yavapai County. Approved by unanimous vote. Motion by Supervisor Thurman, second by Supervisor Davis.

EA – BOARD OF SUPERVISORS

- EA1. Action as may be appropriate regarding Cottonwood Affordable Housing v. Yavapai County. Upon a motion by Supervisor

Thurman, seconded by Supervisor Davis, the Board voted unanimously to approve settlement negotiations with the settlement limits discussed in the executive session. No comments from the public.

STUDY SESSIONS

S – BOARD OF SUPERVISORS

S1. Discussion regarding State Route 260 project, including access and improvement process. The following persons participated in discussion of this item: Andy Groseta, Rob Witt, Jake Gonzales, Bill Fain, Henry Shill, Cottonwood City Councilwoman Diane Joens, Ted Hawks, and Public Works Director Phil Bourdon.

Mr. Groseta said that he and others present on this day just wanted to say that as land owners and business owners they all realized that SR 260 needed to be improved. He said they knew it would cost a great deal of money to improve and that they had asked about building another two lanes within the existing right-of-way because it made sense. He said that time was of the essence and that the property owners did not want to hold up progress. Mr. Groseta told the Board that in April the Town of Camp Verde asked the property owners to identify what access points they thought would be important along the highway, and that they had identified 11 intersections, nine of which were already in existence. He said they were not asking for signalized intersections but just the ability to go out and turn left or right onto the highway. Mr. Groseta said that the majority of the intersections were built when the highway was originally built, and that access was paramount. He said that the SR 260 corridor had been identified as a growth area for the Town of Camp Verde and that it had always been targeted by the Town as a source of revenue. Mr. Groseta said that with regard to the Arizona Department of Commerce, it had come to the property owners, not the other way around but that it also saw SR 260 as a major corridor for business. Mr. Groseta said he was just asking that the Board take the property owners' concerns into consideration with regard to improvements on the highway. He said the property owners wanted to thank Supervisor Davis for the work he had done toward ensuring improvements to the highway. He said the property owners just wanted a safe highway built with another two lanes and that it should be built right the first time. Chairman Springer asked Supervisor Davis to address this issue, saying that the Board had allocated funds for a new access study and that she would like to know the status of that study. She said she also knew that Supervisor Davis had scheduled public meetings on the issue and she asked if the purpose of those meetings was to try to arrive at some consensus on the issue, and how that related to the study. Supervisor Davis said that, first of all, SR 260 was a state highway and the Board of Supervisors had no jurisdiction or authority with regard to it. He said the Board's role had been only to expedite having the highway improved. Supervisor Davis said there was an existing access management plan but that times had changed and some people no longer agreed with the original access management plan. He said that Yavapai County really had no interest in the philosophy of the roadway, and that the County's goal was only to get the highway improved. Supervisor Davis said that ADOT did not know what anyone wanted with regard to the improvements and so people had come together on a regional basis and tried to reach common ground. He said the ADOT needed to redo the environmental study and look at access, and that the Board had approved funding for revision of the access management plan and that it had taken it out of the hands of any single interest group and made it a public process. Supervisor Davis said the first two public meetings were held at the end of July and that future meetings that would be held in August, September and October would also be open to the public in an effort to obtain everyone's input. He said he felt it was a fair process because it opened it up to everyone, and that he hoped by November there would be a decision with regard to the improvements. Chairman Springer asked what would happen if agreement could not be reached, and she noted that ultimately ADOT would have to make the decision. Supervisor Davis said he believed ADOT would make a decision based on public input. He said there were three different phases of construction, that there was no controversy with regard to the first section of the highway, and that ADOT would be ready to go to bid on that section in the spring of 2006. Supervisor Davis said he did not think the Board would be willing to fund \$41 million for the highway if the other two-thirds of the road was still embroiled in controversy. Chairman Springer said that was correct, and that the Board would not be held hostage to this issue. Supervisor Davis agreed, saying that if the Board did not give money to ADOT the project could linger forever. He added that he believed the different interests did have a great deal in common with regard to the improvement issue, but that they just did not realize it. Mr. Witt said he appreciated what the Board had done, that people were being killed on the highway and that the situation could not be ignored. He said there was no alternative to SR 260 because it was bounded on one side by a river and on the other side by Forest Service land. He told the Board that SR 260 was really an artery for the area and that if access was cut off it would paralyze Camp Verde. Mr. Witt said that people in Camp Verde would like the opportunity to develop and increase revenues, and that the highway corridor was the area the Town of Camp Verde had designated for that growth in its General Plan. Mr. Gonzales said he had just moved to the Verde Valley last September and

that because of his hobbies he drove to Dewey a couple of times a week and also as far south as the Carefree Highway once a week. He said he was concerned about safety on SR 260 and that he did not want to see too many lights. Mr. Fain said he lived in Dewey and was very familiar with the evolution of traffic in that area. He said he also owned property along SR 260 and that as a businessman he was concerned about the decisions that would be made with regard to access. He said it was a tough and important issue, and that the SR 260 corridor was one of the last areas in the Verde Valley that was still available for development. Mr. Fain said that small business was what supported communities, and that the property owners were present on this day to ask the Board to keep an open mind through the process and to consider what would be best for Yavapai County. He said it was important that the communities that support the region have the ability to develop economic growth, and that towns and even regions could not stand still. Mr. Fain said that communities had to grow or they would start to decline, and that the Town of Camp Verde and the region would benefit from having access that would could provide balanced economic growth. He said he wanted to thank the Board for its past efforts, for its support and for its foresight in agreeing to help ensure that the highway would be improved and he added that perhaps in 20 or 30 years there could be an alternate route. Mr. Shill said he also owned property along SR 260, and that the highway was dangerous. He said he believed the property owners had come up with a recommendation for ADOT to improve the highway to four lanes and reduce the cost of the project. Mr. Shill said he thought that access was a secondary issue, and that he had been told that reasonable access could not be denied. He said he did not think it was reasonable to have to drive a half-mile along a frontage road in order to reach one's property. He said he appreciated the Board listening to the concerns of the property owners on this day. Mr. Shill said he had heard talk about abandoning the highway to the Town of Camp Verde, but that Camp Verde could not afford to improve the road. He said he would like to see SR 260 improved, after which the Forest Service alternate route could be discussed. Ms. Joens said she supported the businesses that would be along the highway, and that the plan that had been worked on was a good plan. She said she believed that with interchanges everything could be worked out, adding that if one looked at the entire Verde Valley and where the population center was one would see that it was all in the upper Verde. Ms. Joens said that the City of Cottonwood had 1,200 registered businesses that needed access to Interstate 17 and she asked about the needs of those businesses. Chairman Springer said she believed the Board had set November as the drop-dead date to have a plan for the improvements. She said she thought the Board was willing to go along with whatever consensus plan might be developed but that it did not appear to her that there was much consensus. She said she thought that people had better start settling for something or they might end up with nothing. Chairman Springer said the original plan was for four access points and now there was a request for 11 access points. Mr. Hawks said the property owners would love to have negotiations on the issue but had never been able to get to that point. Chairman Springer asked Mr. Hawks if he was participating in the public meetings. Mr. Hawks said yes, but that there was only so much participation one could do at those meetings. Chairman Springer asked Mr. Bourdon if he had any comments. Mr. Bourdon said that ADOT had put together a very good session for public to provide information on access management, and that he would like to encourage the public to attend the meetings. Supervisor Thurman said that if ADOT approved having more lights on the highway he would insist that the lights be synchronized so that if people are driving the speed limit they can go right through them. Supervisor Davis said that a land ownership map of the SR 260 corridor would show that Yavapai County has no jurisdiction for the entire highway, and that the highway was either in Cottonwood or Camp Verde. He said the Board had been the "middle person" trying to put things together and that it was the Board that everyone was angry with. Supervisor Davis said there was a long way to go, but that if everyone could start agreeing on the big concepts maybe things could move forward. He reiterated that SR 260 was an ADOT road, not a County road, and that the Board was just trying to expedite improvement of the highway. He said that access and other issues would be ADOT's decision and not the Board's decision but that the Board would want to be comfortable that the improvement of the highway would be a good project and would serve a good purpose. Supervisor Davis noted that the cost of construction had been going up and that by the time everyone agreed on a plan it would be too expensive to build. Chairman Springer said she wanted to second those comments. She said the plan that called for four access points was an interchange plan, and that maybe people should be talking about four or five or six interchanges and where those interchanges should be. She asked the property owners who were present if they could compromise among themselves, adding that this might be part of the discussion they should have. Mr. Groseta thanked the Board for allowing the property owners to appear before it on this day. He said the property owners want to negotiate but that it was difficult to do at a public meeting. He said that at some point the property owners would like to have a sit-down meeting but that they had been unable to reach that point, and that when the Board thought the time was right to have those discussions in addition to a public meeting the property owners would be willing to meet.

- S2. Update on capital improvement plan with Durrant (architect). Durrant architect Scott Bohning participated in discussion of this item, as did Daily Courier reporter Paula Rhoden.

Mr. Bohning told the Board that as of this day he was setting up interviews with all County departments, with the first interviews to begin on Wednesday, and that he would be asking departments to look at 20-year needs. He said that information would be used to create a first phase for a program document that could then be discussed with each department. Chairman Springer asked if this would include meeting with committees as well. Mr. Bohning said that the first part was directed toward initiating the effort and bringing to the table basic information and that interaction between departments was something that would be looked at with a second meeting. He said the first meeting was really to look at space needs for each individual department. He said he would work very closely with Mr. Holst to build a work plan that goes beyond the contracted portion of his contract at this time. Mr. Bohning said that a big part of the project schedule would be construction and that there were many things that needed to be done up front in order for that to happen. Supervisor Davis asked what CMAR stood for. Mr. Bohning said it stood for "Construction Manager at Risk" and that it was a process that was being used a great deal. He said that in this instance, the architect would work for the County and the County would accept RFPs for contractors who could be brought on the project for the design. Supervisor Thurman said one would have to be very comfortable with the CMAR but that it was something that was very time positive to a project. Mr. Bohning said that having a CMAR would enable the County to get things out very early. He reviewed the schedule, noting that different components had been identified as projects, such as Detention, which he said would include the jail and related buildings, a project for court-related functions, administrative and customer service functions, a "Central Plant" project to provide utilities for all buildings, and so on. Supervisor Thurman said he really liked the idea of a central plant was that as technology changes in future years it would be possible to address those changes with one location for utilities. Discussion returned to the CMAR, with Mr. Holst saying that the Board could contract with a construction firm to assist the architect in the preparation of a not-to-exceed cost estimate for the project and if the Board feels comfortable with the construction firm it could hire that firm to build the project or the Board would still have the option of going to bid for construction. Mr. Bohning said the CMAR would work with the design team but that the Board would always have options. He said the CMAR process would allow bid packages for different components to be put together sooner. Mr. Bohning said that at the end of September he would have a preliminary program document that would be presented to the Board for approval. Supervisor Davis asked how change orders would be handled with a CMAR. Mr. Bohning said that one of the advantages of having a CMAR was that when they are brought on board they help in the decision-making process and that by the end of the design development things are fairly complete. He said that, effectively, there would not be any change orders unless there was a change in the scope of the project or unless there was some geologic issue that no one knew about. He said that with the CMAR process, the contractor is a partner who buys into the process very early. Supervisor Thurman noted that the architect would work for the County, and not for the contractor. In response to a question from Ms. Rhoden, Mr. Holst said the County would pay the CMAR to do work on the front end, and that the CMAR would develop a not-to-exceed price but if the County accepts that price then the CMAR would have to produce the product within that price. Supervisor Davis asked when the Board would have a cost estimate. Mr. Bohning said that would be available at the end of the programming phase based on square footage, and that it should be available by the end of the second month. Mr. Holst said he was looking at having monthly meetings with the Board on this issue and that at each of those meetings the master schedule would be available so everyone could see whether things were on or off schedule. He added that Board members might want to further discuss the project at the August 24 special Board meeting.

CLAIMS AGAINST YAVAPAI COUNTY

<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	2,198,302.39	Jail District	555,763.96
District 2 Park Fund	5,453.34	District 3 Park Fund	619.63
Adult Center – Ctwd	91,886.97	WMD Planner	1,003.15
HS 2003 Supplem.	2,802.80	Improvement of Ed	631.97
Reading Special. H&S	252.80	Adult Prob Fees – 40	1,255.93
Dewey Humboldt Agree	3,543.46	Public Health Reserve	5,821.73
Environmental Health	10,748.47	Susan Komen Breast H.	535.10
Medical Reserve Corps	907.79	Resep Radiation Exp.	545.52
Comm. Health Center	20,195.01	AMPPHI	1,525.02

Family Planning	4,241.29
Breast Feed. Couns.	2,716.31
Cost Allocation	475.36
TB Control	128.36
Title X Family Plann.	977.45
Juvenile IPS	17,707.86
Juvenile Food Prog	2,164.54
Adult IPS	32,930.65
Prob Enhance	43,684.86
Indigent Def/Dg	4,443.76
Bad Check Prog	2,511.96
Commodity Fd	828.53
Clerk's Storage	1,374.07
Atty Anti-Racket	407.99
Law Library	4,125.54
Case Processing	5,802.33
Victim Witness Prog	10,217.07
Council Court	6,653.48
Inmate Health Services	1,683.17
Probate Fund	1,391.97
PC Fees VV	590.17
Victims Rights Impl	3,787.84
Yavapai Indian Agree	1,700.54
Immuniz Service	21,829.11
Idea-Preschool	207.61
Chem Abuse	85.12
Juv Det/PACE	6,202.30
Special Program	12,163.37
Sm Schools Beha	6,225.32
Hurf Road Funds	729,892.41
Assessor App Dev	7,828.76
Jail Commissary	7,092.15
Landfill Administ.	30,675.25
Tire Recycle	13,364.93
Adhs-Svs Coord	851.69
Fill the Gap – Attorney	5,005.42
Comm Punish Pro	3,867.99
Regnl Road Project	107,014.36
Health Start	1,790.92
Ryan White II	4,717.62
Primary Care Fees	16,307.00
Well Woman Health	3,683.38
St. Implement Grant	85.21
AZ Region Supp Cent	197.32
Mental HealthRWJF	1,950.26
Field Trainer	3,159.58
HIV/CT	29.71
Child Sup & Vis	1,164.92
Self Service	134.74
JTSF Treatment	9,574.68
ALTCS	1,971,959.99

MCH Programs	1,851.06
Health Promotion	2,411.01
Nutrition	389.55
WIC Program	15,485.68
Juvenile Delinq. Reduct	13,283.47
Family Counseling	870.00
Probation Serv	4,353.66
Adult Probation Fees	12,380.34
Recorder's Surcharge	23,682.60
Crim Just/Atty	4,632.30
Juv Prob Svs	1,971.93
Hi Risk Chld HI	5,944.82
HIV Counsel & Test	1,350.81
PANT	7,492.50
CASA	4,668.75
Prim. Care – V.V.	4,207.06
Court Enhancement	1,582.97
Enhance Drug Court	2,470.48
Drug Enforce. Fund	2,654.94
Primary Care Services	11,441.79
Local ADR	611.17
JAIBG Juv Acct P-II	1,768.83
Dietetic Intern	616.74
Personal Care Svs	2,130.96
Subs Abuse/DARE	36.90
Family Drug Court	1,003.85
Collab. Comp Rev Gr	1,269.70
Sm Schools Ecia	96.74
Fill the Gap – Courts	11,654.52
Assessor Surcharge	6,384.49
Health Fund	70,904.05
Yav. Cemetery Assoc	948.02
Judge Pro Tem Div B	10,920.84
Safe School Pro	8,629.59
Local Incentive Awards	705.23
Family Law Commiss.	9,316.87
Juven. Detent Ed Pro	1,483.41
Library Auto Consor	685.10
DUI Comm Gov Office	68.00
Prepared. Bioterror	9,720.15
Perinatal Block	2,403.37
Tobacco Educ	9,441.08
School Reso. – Mayer	962.92
Direct Treatment Fund	5,639.61
Mental Health Part.	1,950.36
Attendant Care	22,104.36
Childrens Justice	261.93
Domestic Relations Ed	512.39
VOCA	10,465.23
Diversion Conseq.	1,448.20
Help Debt Svs Loans	191,367.19

In addition, payroll was issued on August 5 for the pay period ending July 30; warrant numbers 2454610 through 2454977, in the amount of \$327,701.31. Jury certificates issued during this time; 6871879 through 6872224. Warrants issued for August 15 Board day, 4247646 through 4248100; 4248101 through 4248570.

There being no further business to discuss, the meeting was adjourned, after which the Board members took a tour of County-owned properties in the Verde Valley.

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ATTEST:

_____ Clerk _____ Chairman