

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

September 6, 2005

The Board of Supervisors met in regular session on September 6, 2005, at 9:00 a.m.

Present: Carol Springer, Chairman; Thomas Thurman, Vice Chairman; Chip Davis, Member; Bev Staddon, Clerk.

Also present: Jim Holst, County Administrator; Dave Hunt, Board Attorney.

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.

PRESENTATIONS

P – BOARD OF SUPERVISORS

- P1. Approve Julie Bachman, Victim Witness Advocate for the County Attorney's Office, as Employee of the Year for 2004-2005. Merit Award Board Chairman Joe Huot presented this item. Approved by unanimous vote. Motion by Supervisor Thurman, second by Supervisor Davis.
- P2. Presentation regarding Pro Beach volleyball at Pioneer Park. Melissa Jackson, Southwestern Regional Volleyball Center. This item was postponed due to technical difficulties.

CONSENT AGENDA With the exception of items C5., C6., C24., and C33., all items were approved by unanimous vote upon a motion by Supervisor Davis, seconded by Supervisor Thurman. No comments from the public.

C – ATTORNEY

- C1. Trade in obsolete surplus Xerox DC332 copier on the purchase of a new copier that was budgeted for in the 2005-2006 budget. Trade amount is \$3,200.

C – BOARD OF EQUALIZATION

- C2. Resolve into the Yavapai County Board of Equalization to ratify Hearing Officer decisions for hearings held on July 25 through 28, 2005. Following this action, the Board will reconvene as the Board of Supervisors.

C – BOARD OF SUPERVISORS

- C3. Minutes of meeting of August 15, 2005, and of special meeting of August 24, 2005.
- C4. Liquor licenses for which there are no protests: (a) Series 12 Person Transfer, Tara Thai Cuisine L.L.C., Village of Oak Creek area, Randy Schuler; (b) Series 7 Person Transfer, Verde Santa Fe Golf Course, Cornville area, Thomas Bienek; (c) Series 12 Original, The Boxcar Café, Cornville area, June B. Jochum.
- C5. Resolution canceling elections for Ash Fork Sanitary District and Big Park Domestic Wastewater Improvement District and appointing the persons who filed nominating petitions to the respective boards of directors. Resolution No. 1591 was approved by unanimous vote, upon a motion by Supervisor Davis, seconded by Supervisor Thurman. No comments from the public.
- C6. Resolution approving the issuance of not to exceed \$35,000,000 Convention Center Facilities Excise Tax Revenue Bonds, Series 2005 (Taxable), of the Industrial Development Authority of the County of Yavapai, and certain matters related thereto. Resolution No. 1592 was approved by unanimous vote, upon a motion by Supervisor Davis, seconded by Supervisor Thurman. No comments from the public.
- C7. Appointment of precinct committeemen as recommended by the Yavapai County Democratic Party and acknowledge removal of a precinct committeeman, all as evidenced in Board Memorandum No. 2005-14.
- C8. Extension of time from the Arizona Department of Revenue to February 15, 2006, for purposes of notification of establishment of proposed Walker Fire District (if establishment occurs).
- C9. Appoint Ken Genteman to the District 3 Board of Adjustment and Appeals to replace Carol Gabrielson, with term to expire July 14, 2008.
- C10. Trade in obsolete/surplus Konica 2130 copier on the purchase of a new copier that was budgeted for in 2005-2006, with trade amount to be \$160.
- C11. Co-sponsor the Verde River Day annual event held on September 24, 2005.
- C12. Establish a Local Workforce Investment Board Youth Council with new membership as follows: Bill Grose, NACOG One Stop Partner; Dave Beach, DES One Stop partner; Fred Dorfman, private sector; Ingolf Kiland III, Yavapai College

- Education sector; Leslie Owen, private sector, all with terms to expire August of 2008.
- C13. Appoint Kay Anne Riley as a private sector member to the LWIB Youth Council, with term to expire August 2008.
 - C14. Appoint Tanya Hiatt, NACOG, as interim member to the General LWIB committee and the One Stop sub committee as a One Stop partner representative to replace Dustin McKissen, with term to expire July 2008.
 - C15. Intergovernmental agreement with the City of Prescott for Court Services for the 2005-2006 fiscal year.
 - C16. Appoint William "Tex" Province to the Planning & Zoning Commission as a representative of District 1, to replace Walter Burcham effective November 9, 2005, with term to expire September 1, 2006.
 - C17. Elect Ethan J. Edwards to the Industrial Development Authority of the County of Yavapai as a representative of District 2, to replace John D. Erickson, for a term to expire April 1, 2011.
 - C18. Approve vouchers.

C – DEVELOPMENT SERVICES

- C19. Zoning map change from RCU-2A to C2, The Prospector Gift Shop, 204-05-040F, Crown King area, Greg and Aimee Flores, #H5128. Consideration of a zoning map change from RCU-2A (Residential; Rural; 2-acre minimum parcel) zoning district to C2 (Commercial; General Sales and Services) for a gift shop with a glass etching studio. Located on approximately .45 acres at the intersection of Main Street and Forest Service Road 259, approximately 15.5 miles west of the Crown King Road/Bumble Bee Road/Antelope Creek Road intersection in the community of Crown King. S14 T10N R01W G&SRB&M. The Planning and Zoning Commission recommended approval of the zoning map change, with the following Stipulations: 1). Development to be in general conformance with letter of intent dated June 02, 2005, and site plan dated June 12, 2005; 2). Waiver of Ordinance requirements required from Section 602.E.1 (Parking and Off-Street Loading); 3). Waiver of Section 567 (Protective Screening) requirement for entire property due to present vegetative screening, and agreement with surrounding property owners; 4). Building and Safety Unit to approve manufactured home engineering for use as an office/storage area, and ADA accessibility, prior to commencement of use; 5). Development to conform to all other applicable codes and ordinances.
- C20. Community plan amendment to allow operation of a central business office and switching station, Dewey-Humboldt Community Plan, 402-15-018R, Dewey-Humboldt area, Dennis Farrington agent for Midvale Telephone Exchange, #H5134. Consideration of a community plan amendment on an approximately 2-acre parcel in an RCU-2A (Residential; Rural; 2-acre minimum parcel) zoning district to allow the operation of a central business office and switching station for Midvale Telephone Exchange. Located at the northeast corner of the Barnard Way/Roper Way intersection, approximately 8,800 feet north of the S.R.-69/Old Cherry Road intersection in the vicinity of the Town of Dewey/Humboldt. S28 T14N R02E G&SRB&M. The Planning and Zoning Commission recommended approval of the community plan amendment.
- C21. Replat of final plat, replat of Lot 114 of Lynx Mt. View Estates Unit IV, 103-46-037, Prescott/Prescott Valley area, Lynx Creek Ranch Limited Partnership, #H5178. Consideration of a replat of lot 114 to provide slope right-of-way to allow for the extension of Fitzmaurice Drive. Located between Prescott and Prescott Valley, on the south west side of Lynx Creek, approximately one quarter mile south of the Lynx Creek Road/Old Black Canyon Highway intersection, in the Diamond Valley area. S33 T14N 1W G&SRB&M. On May 7, 1990, the Board approved the Lynx Mt. View Estates Unit IV Final Plat.
- C22. Replat of final plat, replat of Lynx Mt. View Estates Unit VI, 103-46-083 through 121, Prescott/Prescott Valley area, GRB Ventures LLC, #H5152. Consideration of a replat of 39 lots on 61 acres as a result of a roadway realignment to address safety and drainage issues and to change street names for streets currently under construction. Located between Prescott and Prescott Valley, on the south west side of Lynx Creek, approximately one quarter mile south of the Lynx Creek Road/Old Black Canyon Highway intersection, in the Diamond Valley area. S33 T14N 1W G&SRB&M. On June 7, 2004 the Board of Supervisors approved the Lynx Mt. View Estates Unit VI, Final Plat.
- C23. Amendment to stipulation to allow the developer to postpone construction of emergency ingress/egress to fire code standards until future phases are complete, Granite Park Phase I and II, 106-51-023, Prescott area, Alan Snyder agent for Prescott Dells Properties, #H5173. Consideration of an amendment to a stipulation in a PAD (Planned Area Development) zoning district to allow the developer to postpone construction of the emergency ingress/egress to Fire Code Standards until future phases are complete as opposed to constructing it as part of Phase I. The project is zoned Planned Area Development on a total of 106 acres near the intersection of Highway 89/Boulder Creek Lane in the Granite Dells area. S12 T14N R2W G&SRB&M. On July 1, 2002, the Board of Supervisors approved the zoning map change as recommended by the Planning and Zoning Commission. On July 7, 2003, the Board of Supervisors approved the Preliminary Plat for Phases 1 and 2 as recommended by the Planning and Zoning Commission.

C – ELECTIONS

- C24. Memorandum of Understanding and addendum with the Arizona Secretary of State for the Help America Vote Act of 2002 to be effective through the 2007 federal fiscal year. County Recorder Ana Wayman-Trujillo participated in discussion of this item. Approved by unanimous vote, upon a motion by Supervisor Thurman, seconded by Supervisor Davis. No comments from the public.

Supervisor Thurman asked if this agreement had anything to do with Proposition 200. Ms. Wayman-Trujillo said it did not and that it had to do with the County's ability to receive reimbursement for expenditures for items related to HAVA, such as the new voter registration system and accessible voting systems. Supervisor Thurman asked if those things would be in place for the 2006 election. Ms. Wayman-Trujillo said they would be.

C – FINANCE

- C25. Certify that Court revenue for fiscal year 2004-2005 of \$5,288,713 is greater than base year collections in fiscal year 1997-98 of \$3,407,339.

C – HUMAN RESOURCES

- C26. Downgrade vacant Land Use Specialist position, Range 60, to an Account Clerk III position, Range 59, in the Development Services Department.
- C27. Promote Robin Johnson to the vacant QM/UM Nurse III position at Range 65, Step 18, in the Medical Assistance Department, to be paid from Regular Salaries.

C – JUVENILE PROBATION

- C28. Trade in obsolete/surplus Minolta EP-4000 copier on the purchase of a new copier that was budgeted for in 2005-2006. Trade amount is \$550.

C – LIBRARY DISTRICT Resolve into the Board of Directors of the Yavapai County Free Library District to consider the following two items. After taking action on these items the Board will reconvene as the Board of Supervisors.

- C29. Intergovernmental agreements and Library Service Agreements for the Library District affiliate libraries for the 2005-2006 fiscal year for the following libraries: Ash Fork, Bagdad, Black Canyon City, Camp Verde, Chino Valley, Clarkdale, Congress, Cordes Lakes, Cottonwood, Crown King, Jerome, Mayer, Prescott, Prescott Valley, Sedona, Seligman and Yarnell.
- C30. Lease agreement with the Walden Meadows Community Co-Op for library services for the community of Wilhoit. Cost of \$1,250 to be paid from Building/Land Rental.

C – MANAGEMENT INFORMATION SYSTEMS

- C31. Expenditure of \$20,000 to be paid from Contingency for County-wide images to benefit all departments, specifically Development Services, the Assessor, and Public Works.

C – PUBLIC WORKS

- C32. Bids received for contract to Supply and/or Supply and Deliver Three Foot Minus Rock Material and One-Inch ABC-Type Material in Yavapai County, AZ, Contract #2513825. Bids opened August 23, 2005, with bids received from the following vendors: ACT Contracting, LLC; Hanson Aggregates Arizona; Weston Concrete & Materials, Inc. Recommend awarding to all bidders at various unit prices. To be paid from HURF.
- C33. Discontinue the County's public slash drop-off program at Pioneer Park. Public Works Director Phil Bourdon and Highland Pines property owners' association president Gary Roysdon participated in discussion of this item. Approved by unanimous vote. Motion by Supervisor Thurman, second by Supervisor Davis.

Mr. Holst explained that the County's lease with the BLM did not include an activity such as a slash drop-off program. He said staff was looking at having the language in the lease changed but that it might take several months to accomplish a change and that in the meantime the BLM had asked the County to terminate the drop-off program. Mr. Bourdon noted that the City of Prescott was providing a drop-off location its Sundog landfill for the same fee as a regular landfill drop-off. He said that if the Board approved discontinuation of the program he would issue a press release that would include information about using the City's drop-off location. Mr. Roysdon said that residents in Highland Pines had generated a great deal of slash and needed a place to drop it off. He said they would like to have an alternate place, preferably at no cost, where slash could be dumped. Supervisor Thurman said he believed the Central Yavapai Fire District was also doing a fuel reduction project in the Highland Pines area. Mr. Roysdon said that was correct. Chairman Springer said she thought everyone understood that the Board had no choice in this matter. Mr. Holst said that the cost to dump at the City of Prescott's landfill would be more expensive and that he could look at other ways to renew the program. Supervisor Thurman said the Board's hands were tied in this matter.

- C34. Change Order #1 (Final) with J. Banicki Construction for Prairie Lane Pavement Reconstruction and Widening in Yavapai County, AZ, Project #2312882, in the decreased amount of \$7,887.28. HURF project.
- C35. Release of funds being held in retention under the financial assurances for Talking Rock Ranch Phase One – A. Roads will

- be classified as private and will not receive County maintenance.
- C36. Release of funds being held in retention under the financial assurances for Talking Rock Ranch Phase One – B. Roads will be classified as private and will not receive County maintenance.
- C37. Release of funds being held in retention under the financial assurances for Talking Rock Ranch Phase Four – A. Roads will be classified as private and will not receive County maintenance.
- C38. No parking zone at the intersection of State Route 179 and Jacks Canyon Road, Village of Oak Creek area, at a cost of approximately \$200 for signs, to be paid from HURF.
- C39. Renew intergovernmental agreements with the Town of Clarkdale, City of Cottonwood, and City of Prescott for continued unified emergency management for fiscal year 2006-2007.

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C – SHERIFF

- C40. Reallocate funds approved in the 2005-2006 budget for Law Enforcement Services to purchase equipment and other supplies not previously outlined for funding in the 2005-2006 budget.
- C41. Two Animal Control officers to take one County vehicle out of state in conjunction with attendance at the National Animal Control Association Training Academy, Las Vegas, Nevada, September 11-16, 2005.

ACTION ITEMS

A – BOARD OF SUPERVISORS

- A1. Courthouse Plaza management agreement and future uses of the Plaza (for discussion and possible action). Board Attorney Dave Hunt presented this item. Kendall Jaspers spoke in favor of the contract. Supervisor Thurman moved to approve the contract for 2006 as the last year, with the Board to entertain a study session in the future with the City of Prescott to discuss the future of the Plaza. Supervisor Davis seconded the motion, with the requirement that a study session be held within the next three months with follow-up within six months. The motion carried by unanimous vote, with Chairman Springer saying she wanted to make it clear that she did not really support the term “last year” for the contract and that she would like to keep the door open for future discussions.

Mr. Hunt said there was pending litigation regarding the use of the Plaza and that the County was waiting on a decision from the Arizona Supreme Court. He said that in the meantime the planning process for 2006 activities on the Plaza needed to begin and that he would like some guidance from the Board with regard to activities and also with regard to the Prescott Downtown Partnership contract. Supervisor Davis asked if the PDP contract could be modified to have the PDP just manage things that are non-commercial. Mr. Hunt said he thought that was possible. Supervisor Davis said that each year the Board discussed this issue and that it was never resolved. He said he would propose doing away with all commercial activities on the Plaza and allowing the PDP to manage the non-commercial activities. Chairman Springer said there was no way she could support that proposal and that the commercial activities were an important economic issue for the whole area. She said she did think there could be some discussion with the City of Prescott about other locations or about sharing some locations and some events, but that she did not think it was fair to eliminate the commercial activities without the opportunity to discuss it with the City of Prescott. Supervisor Davis asked if there had been any discussion with the City of Prescott about alternatives. Supervisor Thurman asked how much it was costing the County. Mr. Hunt said the County covers the PDP’s insurance and that the contract cost was \$33,000. He said he believed the cost to the County was about \$53,000 and that the events brought in about \$52,500 so it was basically a wash. Supervisor Davis said that did not include expenses incurred by Facilities to keep the Plaza in good shape. Supervisor Thurman said he had been waffling back and forth on this issue and that he had heard many comments about it. He said he had heard that it was a plus for the City of Prescott and downtown groups more than for anyone else, but that the Board had not yet discussed it with the City of Prescott. He said that now was kind of the eleventh hour. Supervisor Thurman said he would like to see the City of Prescott do its fair share but that for 2006 he was in favor of continuing the contract with the idea that it would be the last year. He said the Board needed a study session to discuss it and also needed to talk with the City of Prescott about the issue. Mr. Hunt asked if the Board wanted to maintain the current approach for 2006 with a change anticipated for 2007. Supervisor Thurman said that was his opinion. Chairman Springer said it appeared to her that there had been something of a problem with the scheduling of some events because not enough time had been allowed for Facilities to adequately manage the grounds. She said she would like to ask that this issue be addressed with regard to the 2006 contract and that Facilities Director Pat Kirshman be given input on when no events should be scheduled. Mr. Hunt said he believed that issue had already been addressed. Mr. Jaspers said he would like to urge the Board to look hard at the letter from the PDP. He said the Plaza was the centerpiece of downtown Prescott whether or not anyone wanted it to be and that it had always had a large impact on the downtown. Mr. Jaspers said that the PDP had worked to mitigate parking issues and to put rules and regulations in place so that the business of courts would not be disrupted. Supervisor

Thurman said there had been some complaints about people who need to set up public address systems for events while court business is being conducted and that it was a problem.

A – DEVELOPMENT SERVICES

- A2. Voucher program for land use (zoning) violations, to be paid from budgeted funds, Outside Services. Ken Spedding, Development Services Director. Upon a motion by Supervisor Davis, seconded by Supervisor Thurman, the Board voted unanimously to approve this program. No comments from the public.

Mr. Spedding said this program would provide an ongoing means of helping people with zoning violations and he reminded the Board that it had held a study session on this proposal a few months back. He said that assistance would be provided based on income figures established by the Arizona Department of Housing and that a voucher would give a person a free trip to the transfer station. Mr. Spedding said a maximum voucher amount of \$1,000 would be set and that if the cost to clean up a property exceeded that amount he would bring it to the Board for approval. Supervisor Davis asked Mr. Spedding what he had budgeted for the program. Mr. Spedding said that \$40,000 had been budgeted but that he would be bringing one property to the Board later that would cost in excess of \$20,000 to clean up. He said the voucher program was designed to help people clean up trash and other debris that could be hauled off in a truck.

A – FLOOD CONTROL DISTRICT Reference: Special District minutes.

- A3. Resolve into the Board of Directors of the Yavapai County Flood Control District to consider a professional services contract with Wood, Patel & Associates, Inc., in the amount of \$70,675 for the Wineglass Dam project, to be paid from Outside Services. Ken Spedding, Development Services Director.

A – MEDICAL ASSISTANCE

- A4. AHCCCS capitated rates for the County's Long Term Care contract with AHCCCS for contract year October 1, 2005, through September 30, 2006. Dana Evans, Interim Medical Assistance Director. Approved by unanimous vote, upon a motion by Supervisor Thurman, seconded by Supervisor Davis. No comments from the public.

Ms. Evans said she was present to request approval of an amendment to the County's contract with AHCCCS for the last year of the five-year contract. She said that each year the County received a new set of rates to consider along with regulatory changes. Ms. Evans said that AHCCCS had been compensating the County at an amount less than what it costs to provide services to the programs 1,100 members and that AHCCCS had taken a look at what the program contractors were saying. She said that last year the program lost about \$200,000 but that she believed it would break even this year, and that the really good news was that AHCCCS had looked at the rate and that the capitation rate would increase by 14%. She said the number of people in nursing homes as opposed to those in home and community-based services (HCBS) also had to be taken into consideration. Ms. Evans said that over the last couple of years AHCCCS had anticipated that counties would have more people in HCBS and that it had skewed figures. She said that the County had reached a peak with people who could safely be placed in HCBS and that the current figure was at the 59% that AHCCCS was now anticipating. Chairman Springer asked if the program was right about where it should be. Ms. Evans said yes and that she believed that through the next year the program would not only break even but that it might even recover some of the losses it had sustained over the last couple of years. She told the Board that she would like to move forward with the last year of the contract, and that she expected that at some point the Board would have questions about whether or not the County should bid on a new contract.

A – PUBLIC WORKS

- A5. In-house design and replacement of small wood bridge with culverts on Wagoner Road approximately four miles east of S.R. 89, at a cost of \$57,000 to be paid from HURF. Phil Bourdon, Public Works Director. Approved by unanimous vote, upon a motion by Supervisor Thurman, seconded by Supervisor Davis. No comments from the public.
- A6. ADOT Aeronautics grant E6S46 to purchase 16.7 acres adjacent to the Seligman Airport. ADOT grant amount is \$38,000 with County match of \$2,000 to be paid from Outside Services, General Airport Account, to be budgeted in 2006-2007. Phil Bourdon, Public Works Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.
- A7. ADOT Aeronautics grant E6S16 to upgrade security fencing and drainage at the Seligman Airport. ADOT grant amount is \$69,350 with County match of \$3,650 to be paid from Outside Services, General Airport Account, to be budgeted in 2006-2007. Phil Bourdon, Public Works Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.
- A8. ADOT Aeronautics grant E6S05 to install a low maintenance runway lighting system and entrance sign at the Bagdad Airport. ADOT grant amount is \$137,700 with County match of \$15,300 to be paid from Outside Services, General Airport

- Account, to be budgeted in 2006-2007. Phil Bourdon, Public Works Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.
- A9. Federal Aviation Administration grant 3-04-0033-15-2005 for the rehabilitation of Apron A and fire protection improvements at the Sedona Airport. FAA grant amount is \$1,019,500, ADOT match is \$26,829 and Sedona Airport Administration match is \$26,829 to be paid from Outside Services, General Airport Account. No County funds involved. Phil Bourdon, Public Works Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.
- A10. Regional Road Capital Improvement Plan. Phil Bourdon, Public Works Director. The following persons spoke in opposition to the inclusion of improvements to Williamson Valley Road in the plan: George Dunning; John Freeman; Jim Lockwood, Jr.; Georgene Lockwood; Mariann Littel; Ken Mino; and Richard Clark. Walter Burcham addressed the issue, but said he was not registering an opinion either in favor of or against the inclusion of improvements to Williamson Valley Road. Chairman Springer read the names of the following people who submitted public participation forms but either did not wish to speak or were not present when their names were called, and who, unless otherwise noted, registered opposition to the inclusion of Williamson Valley Road in the Regional Road Capital Improvement Plan: Kevin Nehring (in favor); Cal Cantwell; D. Eric Lee; Nancy Monroe; Michael Keller; Jack Whitney; Olga Keller; Sandra McGarry; James McGarry; Sally Cantwell; Patrice Mino; Jack Littel; Delores Manburg; Sue Lewis; Linda Weatbrook; Harriet Brugmann; Carol Stafford; Willita Hussey; Paula Cooperrider; George Price; Marie Price; Neil Cooperrider; Marilyn Phillips; Denis Lueders; Peggy Vervelde; Karin Lueders; David and Carol Kramer; William D. Dillahunty; James and Margaret Hughes; Michael Hecht; Larry Mocnik; Peter Hasnik; Allan Samuels; Myrta George; Diane McKelvey; and Fred McKelvey. Upon a motion by Supervisor Davis, seconded by Supervisor Thurman, the Board voted unanimously to approve the Regional Road Capital Improvement Plan.

Mr. Bourdon said that the plan was prepared based on budget discussions with the Board. He pointed out on a spreadsheet projected on the screen the various fiscal years involved for the various projects, saying that each year the Public Works Department tried to show a tentative five- year plan. He said that the project for Williamson Valley Road was over a five-year period and included design and construction from Shadow Valley Ranch Road to Pioneer Parkway and from Pioneer Parkway to Outer Loop Road. Mr. Bourdon pointed out that Iron Springs Road was also included, noting that significant projects on that road would occur between Kirkland and Kirkland Junction and also on some of the curves as the heads down to Kirkland. He said there were also projects included for Montezuma Avenue and Beaver Creek Road in the Lake Montezuma area as well as projects for Cornville Road and S.R. 260. Supervisor Thurman asked if what the Board was being asked to vote on was the allotment of money for many different improvement projects. Mr. Bourdon said that was correct, but that he would need to come back to the Board many times along the way with regard to each project. He said that what was shown on the spreadsheet was tentative line items over a five-year period and that there would be approvals required at each step of the way. Supervisor Thurman said the contentious problem now was the section of Williamson Valley Road from Pioneer Parkway to Outer Loop Road. He asked whether, at this point, the Board was being asked to just box in "x" amount of money for all of the projects listed on the spreadsheet. Mr. Bourdon said yes. He said the most important thing was to allocate funding and begin right-of-way acquisition. He said he anticipated three phases of funding for the portion of Williamson Valley Road from Pioneer Parkway to Outer Loop Road. Mr. Bourdon added that he was watching the traffic volumes on that road increasing and that they would continue to increase, and that it was very important to provide design and acquire right-of-way. Supervisor Thurman said it appeared then that this was a game plan that would still have to come back to the Board. Mr. Bourdon said that with regard to designing Williamson Valley Road for a four-lane road with a center lane the Board had already approved it. Supervisor Davis said he thought what Supervisor Thurman was saying was that the Board was approving the five-year plan but that each individual project would have to come back to the Board for design and construction. Chairman Springer asked if there would be a public hearing on the design and when that might take place. Mr. Bourdon said there would be a public hearing and that he anticipated it would take place within 60 days. Supervisor Davis asked Mr. Bourdon what type of public outreach he would do. Mr. Bourdon said there had already been one public meeting at the County's Fair Street building and one at the Public Works Department office, and that the outreach effort had been very good because there was a good turnout. Chairman Springer said she just wanted to make it clear that people would have an opportunity to speak at that next meeting. Mr. Burcham said he was present on this day as chairman of the Williamson Valley Corridor Plan and that he was not speaking either for or against the project but that he was seeking clarity. He said it was known that people do not turn out if they do not have a strong opinion about something. He said the planned improvements to Williamson Valley Road would change the character of the community and that people would not be able to cross the road with horses. Mr. Burcham said the issue was not improving Williamson Valley Road because a survey had shown there is a need to improve it, but that the issue was scope or scale of the project. He said it seemed that there was a great deal of misinformation flying about, and he asked when the improvements had gone from three

lanes with acceleration and deceleration lanes to five lanes. He added that everyone had been working hard to complete the community plan and that it was only about two to three weeks from completion. Mr. Dunning said he moved to Williamson Valley from California one and one-half years ago and that the biggest attraction for many people in the area was the fact that it was rural. He said he lived in Granite Oaks and that everyone that had two acres. He asked if the road had to be expanded. Mr. Freeman said he had moved to Williamson Valley from Silicon Valley, California, about six and one-half years ago. He said it seemed to him that not all of the math had been done with regard to the proposed road project. He said there was no heavy usage on Williamson Valley Road and that he did not see a need for a five-lane road. He said that recently he and his wife had taken Tonto Road to Williamson Valley Road to reach their home in Inscription Canyon and that it would have taken him more time had he just taken Williamson Valley Road. He said the area was not going to grow any more, that all the subdivisions were in, and that the Board should consider a Tonto Road loop instead of improving Williamson Valley Road. Jim Lockwood, Jr., said he was very upset about the road plan. He said he had lived in Williamson Valley for nine years and was opposed to widening the road to five lanes and making it a truck route all the way to Seligman. Mr. Lockwood said that Chairman Springer had stated that the Board would not come in and stuff a community plan down the throats of people but that she would not give on a five-lane road. Ms. Lockwood said she represented the Williamson Valley Residents for Responsible Growth, and that her organization sought to protect the Williamson Valley corridor. She said she would like to see improvements to S.R. 89 and the creation of access roads from Williamson Valley Road to S.R. 89. She said she also wanted to see more opportunities for public participation, and that this project had seen only one public meeting. Ms. Lockwood said it was covered in the newspaper only the same day as the meeting. She said the planning project that residents of Williamson Valley had been engaged in had been denigrated by the road plan, and that people had questions, doubts and suspicions. She said her organization had objections and that it wanted access to the process, and she asked why County government was so disdainful of peoples' rights, saying she still could not get a copy of the design after asking for it four times. She said she was denied access to public records and that she looked forward to greater cooperation in the future. Ms. Littel asked that consideration be given to preserving scenic routes over major transportation, saying that she would like to see a transportation plan for all of Yavapai County. She said there was no secondary access in the plan for the portion of Williamson Valley Road north of Outer Loop Road, and that by not adding east-west roads north of Outer Loop Road the County was telling Chino Valley that it did not want people shopping there. Ms. Littel said that S.R. 89 and S.R. 69 were the priorities for improvement and that if the Board was really concerned about safety it would lend the state the money that was supposed to be used for Williamson Valley Road so that a dangerous situation could be corrected. Mr. Mino said that the reason people were addressing a budget issue now was that the more things went on the less there would be to talk about. He said he was opposed to approval of the five-year plan unless money for Williamson Valley Road was eliminated. He talked about the need to improve S.R. 89 and said that the County should loan the state the money for those improvements. Mr. Mino said he believed the current proposal for Williamson Valley Road needed the same kind of public review process that had occurred for S.R. 179 in the Sedona area and that there was no downside risk to applying that same procedure here. He said that S.R. 89 had major public safety issues that needed to be resolved and that Williamson Valley Road did not. Mr. Clark said his first question had to do with what prompted a change in the improvement in the long range plan; that his second question had to do with traffic counts and whether they are raw counts that provide inaccurate information about actual traffic; and that his third question was what moving this plan forward would do the effort to develop a Williamson Valley community plan. Mr. Bourdon said he believed Mr. Clark had been looking at the design concept report for Williamson Valley/Iron Springs. He said that in answer to the second question, traffic counters were sophisticated enough to determine whether a car or a truck was being counted and that some of them could even detect speed. Chairman Springer said that one of the issues she believed people were not aware of with regard to the survey was that the County had asked that a question about how wide Williamson Valley Road should be not be included in the survey because the plan for a four-lane road had already been approved. She said there was a plan for the road for quite some time, noting that even though the County had requested that particular question not be included in the survey it was included anyhow. At this point, Chairman Springer read the names of those persons who submitted public participation forms expressing their opinions, but who had indicated they did not want to speak. Supervisor Davis said that reference had been made to S.R. 89 and S.R. 260. He said the County had not completed the bonding for improvements to S.R. 260 and that the County had been told by ADOT that it would never enter into that type of agreement again. He said he wanted to assure those present that the Board had been working hard to encourage ADOT to move forward with improvements to S.R. 89. Supervisor Davis said he was glad to see so many people present on this day who care about their community. He said the Board on this day was looking at the five-year plan and that he was certain there would be a great deal of public process with regard to improvements for Williamson Valley Road but that in order for things to move

forward the Board needed to approve the plan. He noted that the five-year plan could be amended at any time, and that the plan was a starting point that would allow staff to move forward. Supervisor Thurman said he had heard people on this day and that he would be watching the Williamson Valley Road project very closely. He said he was still waffling on the northern part of the road, and that either the project would be done right or it would not be done at all. He said he would guarantee those present that Williamson Valley Road would not turn into a truck route.

- A11. Intergovernmental agreement with the City of Prescott for improvements to Williamson Valley Road from Sidewinder to Pioneer Parkway. Phil Bourdon, Public Works Director. Kevin Nehring spoke in favor of this issue while D. Eric Lee, Mary Hrin, and Richard Clark spoke in opposition. Chairman Springer noted that C. Cantwell and K. Janecek had submitted public participation forms expressing opposition, but that they did not wish to speak. Upon a motion by Supervisor Davis, seconded by Supervisor Thurman, the Board voted unanimously to approve the agreement. (Clerks' note: This item was considered by the Board prior to consideration of agenda item A10.)

Mr. Bourdon told the Board that this intergovernmental agreement would provide for coordination between the County and the City of Prescott with regard to design, but that the County would be the lead agency. He noted that this project was included in the 2005-2006 fiscal year budget. Mr. Nehring read a letter from Lawrence and Kathy Lopez indicating support of a project to improve Williamson Valley Road. Mr. Nehring said that Williamson Valley was not really a rural area and that many people must use Williamson Valley Road to get to and from work or to shop. He said he supported widening the road to five lanes. Mr. Lee said the reason for widening the road was bogus, and that Williamson Valley was a rural area of equine communities. He said that to make Williamson Valley Road into a five-lane highway would be to make it a trucker's shortcut and that widening the road would only increase the density in the area. Mr. Lee said he also wanted to ask what purpose had been served by spending money to resurface Williamson Valley Road. He said if the Board followed through with its plans to widen the road every property owner along the road would be moved back 75 feet. He asked where the Board would get the money to take that land. Ms. Hrin said she wanted to talk about funds and how they would be disbursed. She said she was speaking primarily to Supervisors Thurman and Davis because she believed that Chairman Springer had already made up her mind. Ms. Hrin said that last week three people were killed on S.R. 89 and that she believed the Board's job was to shame ADOT into moving up improvements to S.R. 89. Supervisor Davis asked Mr. Bourdon about the right-of-way width on Williamson Valley Road. Mr. Bourdon said that on average it was 25 feet to each side of the existing right-of-way that would be needed. He said that the particular area that would be addressed by the IGA had some geographic constraints. Supervisor Davis asked if the City of Prescott would pay its portion of the design with the County paying its portion. Mr. Bourdon said yes, adding that this agreement was only for design and that he would have to come back for construction funding. He said staff would go through the selection process for an engineer and that he anticipated choosing someone by December with the expectation of having 100% plans by August of 2006. Mr. Clark asked if this plan was integrated with the plan under agenda item A10 and whether it would have any impact on that item. Mr. Bourdon said that funding and anticipated right-of-way was included in item A10. Mr. Clark said he was wondering why the Board was taking this item prior to taking item A10. He asked how much of the cost would come from the City of Prescott and how much people in the Williamson Valley corridor would benefit from it. Mr. Bourdon said this project had been in the County's plans for many years, and that the City of Prescott had the same budget plan as the County with regard to this project. Chairman Springer said she understood that this project was part of a study conducted in 1995 that determined the road should be widened. Mr. Bourdon said that was correct. Supervisor Davis said the Board had wanted to do improvements to that section of Williamson Valley Road a few years ago but there was no funding available from the City of Prescott, and that things had come a long ways with the City now taking responsibility for its portion of the road.

HEARINGS

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

- H1. Zoning map change from RCU-2A to PAD, Grantham ZMC, 201-10-010G and 023, 201-08-001, Wickenburg area, Kevin Kerpan agent for William Grantham, #H5059. Elise Link, Planning Manager introduced Planner Chris Bridges, who presented this item. Consideration of a zoning map change to PAD (Planned Area Development) in order to allow the construction of a residential and commercial center including a maximum of 191 residential units on approximately 79 acres in a RCU-2A (Residential; Rural, 2 acre minimum lot size) zoning district on 3 parcels totaling approximately 168 acres. Located along the north frontage of US 93 approximately 500 feet north of the Yavapai County and Maricopa County border and north of the Town of Wickenburg. S28 T8N R5W G&SRB&M. The Planning and Zoning Commission recommended approval of the zoning map change, with the following stipulations: 1). Development shall be in general

conformance to the site plan dated received and letter dated received July 19, 2005 as approved by the Town of Wickenburg; 2). Applicant to submit for Commission and Board review and approval a final site plan for each phase of the project including, but not limited to, signage prior to the issuance of any building permits; 3). The following uses shall not be allowed within the C3 district areas: cemeteries for human or animal internment; cleaning and dyeing plants; body and fender shops; bottling plants; custom tire recapping; and sex oriented businesses; 4). Traffic Impact Analysis to be reviewed and approved by ADOT and Yavapai County prior to final site plan approval of the first phase of the development; 5). Development shall be in conformance with all other applicable local, state and federal regulations.

Development Services Director Ken Spedding and area residents Richard Wertz, Karen McKenna and Dianna Tangen all spoke in opposition to this application. Supervisor Thurman moved to approve the recommendation of the Planning & Zoning Commission. Chairman Springer seconded the motion, which carried by a 2-to-1 vote, with Chairman Springer and Supervisor Thurman voting "yes" and Supervisor Davis voting "no." (Clerk's note: This agenda item was considered following approval of Consent Agenda items. Following the meeting it was determined that opposition to this application exceeded 20% of property owners by both area and number, which would require a unanimous vote in order to approve the application.)

Mr. Bridges located this property just north of the town of Wickenburg and just sound of Wickenburg Ranch, noting that zoning to the north and across the highway from the property was R1L-75. He said that the applicant had worked with the neighbors and reduced the number of commercial acres in the project from 94 acres to 89 acres, and that the applicant had also removed some commercial areas from along the highway and had restricted any access to Moonlight Mesa Road from one end of the property. Mr. Bridges said that the application conformed to the Yavapai County General Plan, and that the Mayor of Wickenburg had expressed support for the project. He said that access to the project from S.R. 93 and Scenic Loop Road would require review by the Public Works Department. Mr. Bridges told the Board that the opposition to the project by adjacent property owners was at 20% or just slightly over by number but that he did not know if it was 20% or more by area as he had only received additional letters of opposition at the meeting on this day. He noted that there were 19 letters of opposition and two letters of support. Mr. Wertz said he lived on Moonlight Mesa Road and that at the Commission meeting he had said he was not opposed to the commercial plan but that in looking at the condos and seeing how close they would be to horse properties he wanted to reinstate his objection. He said he believed that the project would eventually push out the horse properties, and that he would like to see the condos closest to the horse properties eliminated. Mr. Wertz said he also wanted to encourage the Board to consider enacting some kind of set-back zoning in the future. Ms. McKenna said she was a new resident to the area and that she had come from a very congested area and wanted the ability to have privacy and horses. She said this part of the County was unincorporated and that people in the area did not want to be part of Wickenburg. She said that S.R. 93 was already a blood bath, and that Mr. Grantham had stated in a newspaper article that the portion of S.R. 93 where his property was located would see traffic whether or not he built his project. Ms. McKenna said that the Town of Wickenburg had had a great deal of input regarding the project but that she did not foresee the area in question becoming part of the town because no one wanted that. Supervisor Thurman asked Ms. McKenna if her property was within 300 feet of the applicant's property. Ms. McKenna said it was not, but that she was a Yavapai County resident. Dianna Tangen said she lived next to Mr. Wertz and that she was very opposed to this application. She told the Board that she had horses and that she had moved to the area specifically for that reason. She said that if condos were built in close proximity to horse properties, people would be complaining about flies, the smell and so on. Ms. Tangen said she believed the zoning should remain as it is or perhaps there could be one house per acre. She added that there was already a great deal of traffic on S.R. 93 because it was a main route to Las Vegas. Mr. Grantham said he was a little perplexed about the comments on this day, and that this application had been in the process for nearly one and one-half years. He said that the people who had spoken in opposition to the application on this day were actually quite a distance from where the condos would be located. Mr. Grantham said there were other developments planned for the area to the northwest of his property and that the Wickenburg Inn area was also going to be developed. He told the Board that if he had known about the opposition that would appear on this day he could have had hundreds of supporters of his project present. Supervisor Thurman said there were two new subdivisions coming forward and that the Board had already approved two subdivisions and that there would probably be 4,000 to 5,000 homes in the area, making it larger than the town of Wickenburg. Mr. Grantham said he appreciated people's concerns about being able to ride horses. Supervisor Thurman told Mr. Grantham that if his application was approved he would have to disclose the fact that the condos would be next to horse properties. He said he knew Mr. Grantham had tried to appease the community. Supervisor Thurman said he had a problem with the lack of commercial property in the area because of the bottleneck that Wickenburg had created. Supervisor Davis asked Mr. Grantham whether the Town of Wickenburg had said it would provide law enforcement services and fire protection services. Mr. Grantham said he had agreed to let his property be annexed into Wickenburg and that the Town had also

agreed to run water and sewer to the property. He said he had designated property for the Wickenburg Fire District, but that until annexation could be accomplished law enforcement for the area would be the responsibility of the Yavapai County Sheriff. Supervisor Davis said that was the problem he had with this application. He said that the County provides rural services and that condos were an urban use. He said he would like to see Wickenburg work harder with regard to annexation. Mr. Grantham said that Wickenburg would need to annex the property between the town and his property before his property could be annexed, and that he did not know how long that might take but that the Town was planning to annex his property. Supervisor Davis said he had a subdivision close to his home that had brought in Sun City type people and that they did not mix well. Mr. Grantham said the growth was going to occur and that he knew approval of his application would mean more law enforcement responsibility for the County but that it would not be a lot. He said the County would have more and more responsibility for the area as growth continues. Supervisor Davis said it appeared that a planned bypass would not help with regard to the section of highway adjacent to Mr. Grantham's property. Supervisor Thurman said the interim bypass would not help but that the future bypass would and that it was five to seven years out. Supervisor Davis said he was sorry, but that he still felt County government existed to provide rural services and that he could not support this application. Mr. Spedding said that staff would have to determine whether, based on the opposition, it would be necessary to have a unanimous vote in order to approve the application.

H2. Zoning Ordinance amendments regarding mobile homes to no longer allow installation of pre-HUD mobile homes as defined in Section 300 of the Ordinance, Planning & Zoning Commission initiated, #H5096. Consideration of amendments to the Yavapai County Zoning Ordinance to no longer allow installation of pre – HUD (pre 1976) mobile homes as defined in Section 300. Amendments to effect this elimination affect Section 301 (Definitions), Section 411 (Residential; Multi-Sectional Manufactured Homes), Section 412 (Single Family Residential), Section 420 (Commercial; Neighborhood Sales and Services), Section 421 (Commercial; General Sales and Services), Section 440 (Planned Area Development), Section 552 (Mobile Homes/MFG Housing/Multi-Sectional), Section 555 (Mobile Home Parks), Section 564 (Outside Storage), Section 601 (Sign Code) & Section 602 (Parking and Off-Street Loading). The Planning and Zoning Commission recommended approval of the Zoning Ordinance Amendment regarding Mobile Homes. Enalo Lockard, Assistant Development Services Director, and Ken Spedding, Development Services Director, participated in discussion of this item. The Planning & Zoning Commission recommended approval of this application. The following persons spoke in opposition to this application: Susan Brenton, Executive Director of the Manufactured Housing Communities of Arizona; Ron Feinstein, Legislative Director for the Arizona Association of Manufactured Homeowners; Michael Supulver; Greg Campbell; Annette Clift; David Klein; Stan Kalson; and Claudette Johnson. Chairman Springer noted that the following individuals had submitted public participation forms indicating that while they did not wish to speak they were opposed to the application: Vern Haverfield; Billie Lee Adams; Martha Johnson; Carole N. Urbanski; Ronald and Virginia Baldwin; Ileta J. McClure; Dorothy Haverfield; Joan Klein; Kaye Hanna; Jerry Williams; Richard Elliott; Robert M. Mayhugh; Grace Elliott; Edward A. Urbanski; Robert H. Sippel; Barbara Summers-Sippel; Donna Love; William F. Ward; George Quintero; Norma Clark; Neal D. Clark; Linda A. Shoptaugh; Lee Shoptaugh; Ronald P. Woerner; Marvin R. Adams; Sonja L. Adams; Darlene Albrecht; Marvin Albrecht; Lee K. Worthen; Warren Imus; Mildred L. Miller; Robert Bailey; Marjorie Supulver; Martha Santarelli; Mary Jo Halverson; Jan Selthun; Doris Hoffner; Beverly Gretchka; D. Vgot; and Bette Wilson. (Clerk's note: This agenda item was considered following approval of the Consent Agenda, and after agenda item H2.)

Mr. Lockard said that this application had started as a discussion item in March of this year when a Deputy County Attorney determined that the County may have discriminated in how it handles pre-HUD mobile homes. He said that the County's Ordinance prohibits bringing in a mobile home from outside of Yavapai County, that it was challenged and that staff began to look at eliminating any new installations of mobile homes. Mr. Lockard said the Planning & Zoning Commission held three public hearings on the matter and that there was no public input at the first hearing but that Mr. Feinstein had made statements at the second hearing. He told the Board that the County's definition of "mobile home" was a pre-HUD unit built prior to June of 1976, and that manufactured homes were those built after June of 1976. Supervisor Davis asked if the Ordinance addressed all types of homes. Mr. Lockard said the amendment addressed only mobile homes, and that manufactured and modular homes would still be allowed. He said that if the Board approved the Ordinance existing mobile homes would be allowed to remain where they are, and a person would not be required to move a mobile home if it was sold. He said that a person could also come forward for a use permit to request permission to place a mobile home on a lot and that the use of mobile homes on agricultural properties would be allowed. Mr. Lockard noted that an attorney for a manufactured housing organization had sent a letter to the City of San Luis regarding an ordinance similar to the County's Ordinance, and that staff had researched the cases cited in the letter and determined that they did not apply to the County's Ordinance. He said the County could not regulate installation of pre-HUD mobile homes into a mobile home park and that the Ordinance would regulate only the ability to place them on individual private properties. Supervisor Davis said he understood then that a person could own an existing

pre-HUD home but if the person moved it the home could not be reset, but that if a person owned a mobile home park the person could bring in all the pre-HUD homes he wanted. Mr. Lockard said yes, but that the mobile homes still had to be rehabilitated to meet state standards. Chairman Springer asked if the Ordinance would apply only to mobile homes that would be placed on private land. Mr. Lockard said yes, and that the change in the Ordinance would be that mobile homes could no longer be installed in Yavapai County except in mobile home parks. Supervisor Davis asked if existing mobile homes could remain and whether they could be moved onto agricultural property or into mobile home parks. Mr. Lockard said yes, provided that they meet state requirements for rehabilitation. He added that a person could also apply for a use permit to place a mobile home on a private lot. Ms. Brenton said her organization was opposed to any discrimination aimed at mobile homes or manufactured houses. She said she disagreed with Mr. Lockard's interpretation of the letter from her organization's attorney and that she did not believe any county could prohibit the entry of any home that meets state standards. Ms. Brenton said she believed the proposed Ordinance was unconstitutional because it did not bear any relation to health, safety or welfare. She told the Board that most of the manufactured housing communities were real communities and that many of the people who lived in them could not afford to live anywhere else. Ms. Brenton then turned in petitions that she said contained the signatures of 202 people who were opposed to the Ordinance. Supervisor Thurman asked Ms. Brenton how cities and towns were able to prohibit manufactured housing of a certain age, noting that the Town of Prescott Valley does not allow the installation of any manufactured home more than five years old. Ms. Brenton said it came down to whether her organization became involved in the issue, adding that her organization had filed suit against the municipality of Apache Junction over a similar ordinance and that the municipality had backed down. Mr. Feinstein provided the Board members with pictures of well-kept mobile homes. He said his organization was not opposed to an Ordinance that said pre-1976 homes could not be moved into the County based only on inspection. He said if the Ordinance was approved and a mobile home park closed and an elderly citizen wanted to move his home to a private piece of land he would not be able to do so. Mr. Feinstein said that last year 24 mobile home parks had closed, and that many people owned mobile homes but not the land the home sits on. He asked that the Board not make the sole criteria be the year the mobile home was built, saying that the only difference between a pre-HUD home and other housing was the size of the windows and aluminum wiring. Mr. Supulver said it seemed to him that the issue came down to economics and that it was a sore subject because it affected the elderly and the disabled. He said it also came down to name calling, and that he had a problem with being called "trailer trash." Mr. Supulver said he had moved to Prescott with his family because of the medical facilities at the Veterans' Administration Hospital. He said that currently his home was within the Prescott City limits but that if he wanted to move it he would not be able to if the Ordinance was approved because it was a pre-HUD home. Mr. Supulver said it all depended on what a person does with a mobile home and that he was working on modifications to his home but that there were many people present on this day who did not have the income or the ability to make changes to their homes. Mr. Campbell said that if a person could make a mobile home conform to state standards it should be allowed in the County. Ms. Clift said the content of her prepared statement had changed somewhat. She asked the Board to remember that it was not so easy to move a mobile home from one park into another park, and that many mobile home parks did not want anything older than a home built in the 1990s. She said that if the Board approved the changes to the Ordinance it would impose a hardship on people, adding that the County Assessor had stated that there are 3,428 pre-HUD mobile homes in the unincorporated areas of the County. Ms. Clift said the owners of those homes were people in several stages of their lives, with some being elderly and others being young families or military personnel and that for many a mobile home was the only way they could have an affordable home. She asked that the Board not make it impossible for people to resell their homes when they must move on to a different stage of life, such as assisted living. Ms. Clift said she owned a pre-HUD mobile home but that it was built so close to 1976 that it has copper wiring, large windows and other amenities. Mr. Klein said he believed the application was premature and he suggested that the Board send it back to staff and ask staff to work with the groups that would be affected by it. Mr. Kalson said he had purchased his 1975 home in 2000 and that when his circumstances later changed he was not able to sell the home but instead had to give it away. Ms. Johnson said she owned a mobile home park in Prescott and that she believed the Ordinance was illegal and unconstitutional. She said that all of the pre-HUD mobile homes in her park had been rehabilitated and that if that was satisfactory to the State of Arizona it should be satisfactory to Yavapai County. Ms. Johnson said that if people could not sell their homes they would walk away from them, and that it would then become the responsibility of the mobile home park owners. She said he believed it would be possible to find a way to make things work with some different language. Supervisor Thurman said he was hearing that mobile home park owners did not want older homes in their parks and he asked why. Ms. Johnson said the old homes in her park had been there for a long time, and that she was hearing that because of the Ordinance those homes would be devalued. She said a buyer of such a home would not be able to put it on a private piece of land if the Ordinance was approved. At this

point, Chairman Springer read the names of the persons who had submitted public participation forms but who indicated they did not want to speak. Mr. Feinstein said the answer to why some mobile home parks do not want pre-1976 homes could be found in the landlord-tenant act, which he said allows mobile home park owners to upgrade their parks. He said they would get more money for a newer house and he added that some of the mobile home parks in Yavapai County were quite old. Supervisor Thurman asked Mr. Kerkman to come forward to give the Commission's perspective on this issue. Mr. Kerkman said it was a little awkward because the degree of resistance he was hearing on this day exceeded what the Planning & Zoning Commission saw in three meetings by ten-fold or twenty-fold. He said that given the fact that there were grandfathered issues involved, some of the statements made on this day were partly true. Mr. Kerkman said the inspection process was geared toward safety. He said that unless the County's Ordinance aligns with those of cities and towns in the County, the unincorporated areas would become a dumping ground for homes that could not be placed in cities and towns. Mr. Kerkman said he believed that the grandfathered clause would cover about 90% of what people were worried about and that he believed the Commission had made the correct decision in recommending approval of the Ordinance amendments. He said that mobile homes were not getting younger and that he did not think the Board should perpetuate something that it knew had an end date. Chairman Springer asked Mr. Kerkman whether the Commission had discussed the possibility of an involuntary move if a park is sold. Mr. Kerkman said the state provides a relocation expense. Mr. Feinstein said the relocation fund was not a tax but an assessment that mobile home owners pay into, and that at one point the state legislature had tried to take the fund in order to balance the state's budget. He told the Board the fund could be tapped into for a number reasons, such as when a mobile home park closes or if the rent in the park goes up more than ten percent over the prior year. He said a person could receive up to \$5,000 to move a single-wide home and up to \$10,000 to move a double-wide home but that the home could be moved no more than 50 miles. Supervisor Thurman asked Mr. Lockard if Maricopa County accepted pre-HUD homes. Mr. Lockard said he believed that Maricopa County restricts installation of them but still allows them in certain zoning categories. Supervisor Thurman said that 1976 mobile homes and even some manufactured homes built in the 1980s had 2 x 2 construction with single-pane windows, and that a person might be able to purchase such a home for less money but that it would cost more to live in it because of the lack of insulation. He said he understood that some older folks wanted be able to sell their mobile homes but that they were selling them to people who had no money and that the cost to live in such homes was tripled. He said it was possible to purchase a 1982 manufactured home for the same price as a 1976 mobile home, and that people who live on lots and on acreage had made it clear to him that they did not want these types of homes around. Supervisor Thurman said he had seen many areas where mobile homes were falling apart. He said that in Mr. Kalson's case he could get a use permit to put his home on a lot, adding that he would have no problem approving such an application. Supervisor Thurman said he had seen some mobile homes on private lots that were just atrocious. Mr. Kerkman said the Commission was concerned about the relocation of mobile homes into the rural areas and what it would do to the value of surrounding properties. He said he believed this Ordinance would come to pass sooner or later, and that it was either going to happen now or it would happen five or ten years from now. Supervisor Thurman said many people were buying doublewides and putting them on acreage and right next door the County was allowing a 10 x 40 mobile home because there was no way to stop it from coming in. He said that in communities that had no CCRs, the County was the only hope and that nearly every homeowners' association had contacted him to say they wanted this Ordinance approved. Ms. Brenton said that based on what Supervisor Thurman had said it seemed to her that what the County needed was a neighborhood preservation ordinance instead of just picking out anything older than 1976 and that perhaps the County was looking in the wrong direction. Mr. Kalson said the mobile home park he lived in started changing the rules and that when he wanted to sell his home he was told he could not sell it or rent it, and so he had ended up donating it to a church. He said that if the Ordinance passed, eventually his house would go to the dump. Mr. Kalson told the Board that his house had some life left in it and that he did not have the ability to sell it or to rent it, and that mobile home parks had rules that were not fair. Supervisor Davis asked Mr. Lockard if he had any additional comments on how to address this issue. Mr. Lockard said that if the Board chose to deny the application staff would have to bring to the Board another Ordinance amendment to address the discrimination issue, and that the amendment would be to allow into the County any mobile home that meets state standards. Supervisor Davis said that when the Board first addressed the pre-HUD issue it was out of necessity. He said he was certain that everyone who was present on this day was a good property owner and that they took care of their properties, but that there were people who took advantage of the County as a whole. He asked those present to put themselves in the situation of someone who has invested money in his property and then has people bringing in mobile homes from out of the County and renting them out. Supervisor Davis said that many times the people moving into those homes were people who did not want to work and who did not meet the County's workforce needs. He said that now an attorney had said the County needed to make some changes in its

Ordinance. Supervisor Davis said those present had personal property they wanted to protect but that the Board also needed to address the big picture. He asked how the Board could address the big picture while still honoring the rights of those people who take care of their property. Mr. Spedding said that the County currently allows mobile homes if they have been brought up to code and that they could be relocated but not brought in from outside. He said the County Attorney's Office had said the County could not continue with the current Ordinance, and that it would be necessary to allow mobile homes to be brought in from outside the County. He said that one of the changes was to allow such homes to go into mobile home parks, but that the mobile home parks did not want them either. He said there was a provision in the proposed Ordinance for use permits on a case-by-case basis, and that use permit applications would have to go through the public hearing process. Supervisor Davis asked if mobile homes could be brought into the County from anywhere if the Board did not approve the Ordinance amendments. Mr. Spedding said that was correct, with revision of the Ordinance. Supervisor Davis reiterated that with approval of the amendments as proposed a person could still put a mobile home on an agricultural property or in a mobile home park, and that a person could apply for a use permit to locate a mobile home on other property.

EXECUTIVE SESSION

E – BOARD OF SUPERVISORS

E1. Pursuant to A.R.S. §38-431.03(A)(1) for a personnel matter, to discuss applicant for the position of Water Advisory Committee Coordinator. Approved by unanimous vote. Motion by Supervisor Thurman, second by Supervisor Davis.

- CLAIMS AGAINST YAVAPAI COUNTY

<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	4,161,057.54	Jail District	671,381.15
District 1 Park Fund	300.00	District 2 Park Fund	2,116.91
Adult Center – Ctwd	184,335.71	Volleyball Center	2,942.02
WMD Planner	2,112.38	HS 2003 Supplem.	1,800.88
Improvement of Ed	7,023.86	Enhanc. Ed Thru Tech	70.28
Reading Special. H&S	1,773.57	Adult Prob Fees – 40	2,511.87
JCEF IPS Assist.	4,043.57	JCEF SAE Assist.	16,255.76
Judicial Collect STD	5,828.00	Electronic Doc Image	422.00
Dewey Humboldt Agree	11,689.66	Public Health Reserve	11,537.85
Environmental Health	21,600.93	Susan Komen Breast H.	986.70
Medical Reserve Corps	1,715.58	Resep Radiation Exp.	960.75
Comm. Health Center	43,343.64	AMPPHI	2,503.88
Family Planning	7,991.61	MCH Programs	351.49
Breast Feed. Couns.	5,865.89	Health Promotion	4,914.37
Cost Allocation	1,354.85	Nutrition	778.85
WIC Program	29,317.47	Title X Family Plann.	2,964.61
Jail Enhancement	-1,078.11	Juvenile Delinq. Reduct	35,326.80
Juvenile IPS	40,776.13	Family Counseling	193.60
Juvenile Food Prog	4,248.74	Probation Serv	9,089.33
Adult IPS	68,798.77	Adult Probation Fees	25,301.17
Prob Enhance	89,359.65	Recorder's Surcharge	24,517.76
Indigent Def/Dg	9,045.36	Crim Just/Atty	9,264.60
Bad Check Prog	5,034.91	Juv Prob Svs	4,125.29
Commodity Fd	1,662.36	Hi Risk Chld HI	12,679.24
Clerk's Storage	3,287.72	HIV Counsel & Test	2,818.33
Atty Anti-Racket	61,129.17	PANT	13,480.32
Law Library	2,626.48	CASA	8,225.07
Case Processing	11,677.89	Prim. Care – V.V.	7,036.60
Victim Witness Prog	21,795.09	Court Enhancement	1,624.97
Council Court	6,722.08	Enhance Drug Court	5,206.00
Inmate Health Services	928.52	Drug Enforce. Fund	4,523.72
Probate Fund	2,226.03	Primary Care Services	24,313.49
PC Fees VV	1,992.94	Local ADR	1,911.94
Victims Rights Impl	7,928.97	JAIBG Juv Acct P-II	3,644.26

Yavapai Indian Agree	3,621.37	Dietetic Intern	1,260.01
Immuniz Service	6,252.79	Personal Care Svs	6,017.69
Idea-Preschool	2,246.54	Subs Abuse/DARE	595.91
Chem Abuse	758.38	Family Drug Court	1,163.38
Juv Det/PACE	12,358.50	Collab. Comp Rev Gr	1,969.62
Special Program	34,180.09	Sm Schools Ecia	1,015.72
Sm Schools Beha	24,822.19	Professional Dev.	1,493.09
Fill the Gap – Courts	14,876.07	Hurf Road Funds	909,568.74
Assessor Surcharge	17,053.14	Assessor App Dev	19,923.84
Health Fund	137,691.76	Jail Commissary	20,207.50
Yav. Cemetery Assoc	600.00	Landfill Administ.	58,964.19
Judge Pro Tem Div B	22,110.61	Tire Recycle	5,470.28
Safe School Pro	20,241.73	Adhs-Svs Coord	1,608.98
Local Incentive Awards	1,431.47	Ell Consortium 2003	217.11
Fill the Gap – Attorney	10,186.94	Family Law Commiss.	14,691.25
Comm Punish Pro	15,452.31	Juven. Detent Ed Pro	4,346.32
Regnl Road Project	394,522.81	Library Auto Consor	4,636.64
Sterilization Services	3,921.00	Health Start	3,915.11
Victim Comp. VOCA	5,037.73	DUI Comm Gov Office	2,683.68
Interstate Compact Prog	4,042.90	Ryan White II	9,079.66
Prepared. Bioterror	22,123.43	State Grant in Aid	499.28
Primary Care Fees	22,662.57	Perinatal Block	4,901.55
Well Woman Health	7,538.47	Tobacco Educ	21,281.80
School Reso. – Mayer	1,986.66	Direct Treatment Fund	56,568.96
Mental HealthRWJF	4,410.37	Mental Health Part.	4,410.50
Field Trainer	4,925.22	Community Access Pro	2,255.74
Attendant Care	44,557.66	HIV/CT	59.42
Childrens Justice	2,475.36	Child Sup & Vis	1,764.92
Domestic Relations Ed	1,124.57	Self Service	1,083.24
VOCA	19,133.48	JTSF Treatment	39,452.10
Diversion Conseq.	8,399.76	Jail Construction	9,379.05
Sedona Airport	143,995.01	ALTCS	1,395,899.62

In addition, payroll was issued on August 19 for the pay period ending August August 13; warrant numbers 2454978 through 2455332, in the amount of \$293,023.20 and September 2 for the pay period ending August 27; warrant numbers 2455333 through 2455678, in the amount of \$295,997.54. Jury certificates issued during this time; 6872225 through 6872460. Warrants issued for September 6 Board day, 4248571 through 4249008; 4249009 through 4249466; 4249467 through 4249853.

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

ATTEST:

Clerk _____Chairman