

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

May 15, 2006

The Board of Supervisors met in regular session on May 15, 2006, in Cottonwood, Arizona, at 9:00 a.m.

Present: Thomas Thurman, Chairman; Chip Davis, Vice Chairman; Carol Springer, 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 Approved by unanimous vote, with the exception of items C2., C3., C11., C12., and C18. Motion by Supervisor Davis, second by Supervisor Springer. No comments from the public.

C – BOARD OF SUPERVISORS

- C1. Minutes of meeting of May 1, 2006, and of special meetings of April 19 and 21, 2006.
- C2. Clarify action taken on May 1, 2006, approving the distribution of allocation of local revenues from the Yavapai-Apache Nation to specify that the \$17,076.30 allocated to the County priority for an equestrian center in Cottonwood will be paid to the City of Cottonwood as an additional distribution pursuant to the City/County Equestrian Center intergovernmental agreement. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Springer.
- C3. Consider approval of reimbursable contribution from the Regional Road Fund in the amount of \$237,865 to Poquito Valley Road Improvement District to cover the cost of engineering services. Public Works Director Phil Bourdon participated in discussion. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Springer.
- C4. Appoint Mel Ingwaldson and Brady Bratcher to the Local Workforce Investment Board as labor representatives, to replace Pat George and James Kimes, with terms to expire in May of 2010.
- C5. Appoint Ab Jackson to the Local Workforce Investment Board as a private sector representative to replace Bill Pierce, with term to expire in May of 2009.
- C6. Approve vouchers.

C – DEVELOPMENT SERVICES

- C7. Zoning map change amendment in a RS zoning district to allow for operation of a holistic therapy practice with one to two clients a day, 405-33-288, Village of Oak Creek area, Avani Robinson applicant/agent for Ila Sukhadia/10 Navajo Rd LLC owner, #H6039. Consideration of a Zoning Map Change Amendment in a RS (Residential and Services) Zoning District to allow for the operation of a holistic therapy practice with one to two clients a day. Located in the Village of Oak Creek at the intersection of S.R. 179 and Navajo Road. S18 T16N R6E G&SRB&M. The Planning and Zoning Commission recommended approval of the zoning map change amendment with the following Stipulations: 1). The property to be operated in accordance with the Letter of Intent and Site Plan date stamped February 23, 2006, and in accordance with all county, state and federal regulations; 2). Sign as allowed in the RS Zone be permitted; 3). A Preliminary Code Review must be completed prior to initiation of use; 4). Applicant must apply for a Change of Use permit within six months of the Zoning Map Change approval and prior to initiation of use

C – FLEET MANAGEMENT

- C8. Permission to purchase a replacement quad for use by the Yavapai County Sheriff's Office Forest Patrol in an amount not to exceed \$8,500 to be paid from New Vehicle Purchases and reimbursed by PANT.
- C9. Permission to apply for six undercover plates for replacement vehicles.

C – FLOOD CONTROL DISTRICT The Board of Supervisors resolved into the Board of Directors of the Yavapai County Flood Control District and following consideration of the items listed below reconvened as the Board of Supervisors. Reference: Flood Control District minutes.

- C10. Approve First Amendment to Intergovernmental Agreement with the Arizona State Land Department for funding and construction of the Wineglass Dam.
- C11. Consider approval of a professional services contract with Arroyo Engineering LLC in the amount of \$15,500 for development of a rational method hydrology worksheet, to be paid from Outside Services.

BOARD OF DIRECTORS

YAVAPAI COUNTY FLOOD CONTROL DISTRICT

Minutes of Meeting

May 15, 2006

The Board of Supervisors resolved into the Board of Directors of the Yavapai County Flood Control District.

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

Also present: Ken Spedding, Development Services Director.

The Board considered the following items:

1. Approve First Amendment to Intergovernmental Agreement with the Arizona State Land Department for funding and construction of the Wineglass Dam. Approved by unanimous vote. Motion by Director Davis, second by Director Springer.
2. Consider approval of a professional services contract with Arroyo Engineering LLC in the amount of \$15,500 for development of a rational method hydrology worksheet, to be paid from Outside Services. Approved by unanimous vote. Motion by Director Davis, second by Director Springer.
3. Discuss proposed amendments to Yavapai County Flood Control District Ordinance 2001-1 and consider setting dates for public hearings. Mr. Spedding said there was nothing in the proposed amendments that would create greater regulation, but that instead the purpose of the amendments was to provide clarification. He said he hoped to have the revised Ordinance adopted prior to receiving the digital Countywide Floodplain Boundary Maps in September of 2006. Mr. Spedding said that on this day he was requesting that the Board set hearings for the Ordinance on July 3 and July 17. Upon a motion by Director Davis, seconded by Director Springer, the Board voted unanimously to set the hearing dates as requested by Mr. Spedding.

C – HUMAN RESOURCES

- C12. Consider adding position title of Maternal and Child Health Program Manager to Yavapai County's compensation program, assigned to Range 67 (\$62,343 - \$84,869), at-will, exempt. Supervisor Davis moved to hold this item in abeyance pending review and recommendation by the new Community Health Services Director. Supervisor Springer seconded the motion, which carried by unanimous vote.
- C13. Appoint Judith Rugo to the Employee Merit Commission Board to complete term vacated by Diana Erickson, effective immediately and expiring on March 17, 2008.

C – PUBLIC WORKS

- C14. Consider approval of a Forest Road Agreement between the U.S. Department of Agriculture Forest Service (Coconino National Forest) and Yavapai County for cooperative maintenance of roads on the Coconino National Forest.
- C15. Permission to participate with other member agencies of the Central Yavapai Metropolitan Planning Organization in the funding of a reception dinner hosted by CYMPO for the Arizona State Transportation Board on June 22, 2006, in Prescott, in an amount not to exceed \$2,000 to be paid from the Regional Road Fund (CYMPO account).
- C16. Bids received to Supply or Supply and Deliver Fill Material in Yavapai County, AZ, Contract #2616519. Bids opened May 2, 2006, with bids received from the following vendors: Charter Materials, LLC; Rinker Materials (Prescott and Camp Verde); Weston Concrete & Materials, Inc. Recommend awarding to all vendors at various unit prices. To be paid from HURF, Road Materials.
- C17. Bids received to Supply or Supply and Deliver Crack Fill Material in Yavapai County, AZ, Contract #2616518. Bids opened May 2, 2006, with bids received from the following vendors: Crafcro, Inc.; Maxwell Products, Inc. Recommend awarding to all vendors at various unit prices. To be paid from HURF, Road Materials.

C – RECORDER

- C18. Permission for three employees to attend Property Records Industry Association (PRIA) and International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT) conference in San Francisco, California, July 1-7, 2006, at a cost of \$6,500 to be paid from the Schools and Conferences account in the Recorder's Storage and Retrieval Fund. County Recorder Ana Wayman-Trujillo participated in discussion via video conferencing from Prescott. Upon a motion by Supervisor Davis, seconded by Supervisor Springer, the Board voted unanimously to approve this request only for the County Recorder and the County Elections Director.

Supervisor Davis asked whether it would be more appropriate to send one person instead of three. Ms. Wayman-Trujillo said that one of the reasons for sending more than one person was that conference

pertains to all three areas that her office is responsible for, that is, recording, voter registration and elections. She said that with three people attending it would be possible to take advantage of more seminars than if just one person attended. Supervisor Davis asked if this conference covered the same information as last year's conference in Hawaii. Ms. Wayman-Trujillo said that it was important to keep up with changing technology and that attendance at this conference made it possible to know what was happening with technology at the national level.

C – SHERIFF

- C19. Permission to accept Arizona Peace Officer Standards and Training Board grant funding in the amount of \$55,000 for the purchase of a new firearms simulator system. No cost to the County.
- C19.A. Permission for Criminal Investigations to utilize a County vehicle for out-of-state travel to San Bernardino, California on May 24, 2006, for purposes related to a current investigation.

ACTION ITEMS

- A – FLOOD CONTROL DISTRICT The Board of Supervisors resolved into the Board of Directors of the Yavapai County Flood Control District and following consideration of the item listed below reconvened as the Board of Supervisors. Reference: Flood Control District minutes.
- A1. Discuss proposed amendments to Yavapai County Flood Control District Ordinance 2001-1 and consider setting dates for public hearings. Ken Spedding, Development Services Director.

BOARD OF DIRECTORS

YAVAPAI COUNTY FLOOD CONTROL DISTRICT

Minutes of Meeting

May 15, 2006

The Board of Supervisors resolved into the Board of Directors of the Yavapai County Flood Control District.

Present: Thomas Thurman, Chairman; Chip Davis, Vice Chairman; Carol Springer, Member; Bev Staddon, Clerk.  
Also present: Ken Spedding, Development Services Director.  
The Board considered the following items:

- 1. Approve First Amendment to Intergovernmental Agreement with the Arizona State Land Department for funding and construction of the Wineglass Dam. Approved by unanimous vote. Motion by Director Davis, second by Director Springer.
- 2. Consider approval of a professional services contract with Arroyo Engineering LLC in the amount of \$15,500 for development of a rational method hydrology worksheet, to be paid from Outside Services. Approved by unanimous vote. Motion by Director Davis, second by Director Springer.
- 3. Discuss proposed amendments to Yavapai County Flood Control District Ordinance 2001-1 and consider setting dates for public hearings. Mr. Spedding said there was nothing in the proposed amendments that would create greater regulation, but that instead the purpose of the amendments was to provide clarification. He said he hoped to have the revised Ordinance adopted prior to receiving the digital Countywide Floodplain Boundary Maps in September of 2006. Mr. Spedding said that on this day he was requesting that the Board set hearings for the Ordinance on July 3 and July 17. Upon a motion by Director Davis, seconded by Director Springer, the Board voted unanimously to set the hearing dates as requested by Mr. Spedding.

A – PUBLIC WORKS

- A2. Consider approval of Intergovernmental Agreement JPA 06-011 between Yavapai County and the State of Arizona for the Hassayampa Bridge Rehabilitation Project, in the amount of \$800,000 to be paid from Regional Road Fund, Wagoner Bridge. A Transportation Enhancement Grant will provide \$500,000 toward funding. Phil Bourdon, Public Works Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Springer. No comments from the public.

HEARINGS

H – DEVELOPMENT SERVICES Planning & Zoning Commission member Curtis Lindner was present to represent the

Commission.

H1. Community Plan Amendment and zoning map change from R1-10 to C-2, Beaver Creek Plaza, 405-25-006D, Beaver Creek area, Beaver Creek Land Development LLC/Pender Engineering applicant/agent for S.R.B. Properties, owner, #H6060 and #H6040. Enalo Lockard, Assistant Development Services Director. Consideration of Community Plan Amendment and a Zoning Map Change from R1-10 (Residential; Single Family; 10,000 sq. ft. minimum) zoning district to C-2 (Commercial General Sales and Services) zoning district on a nine acre portion of this 80-acre parcel. Located along the south side of Beaver Creek Road, between Burke and Brittany Roads. S36 T15N R05E G&SRB&M. The Planning and Zoning Commission recommended approval of the community plan Amendment and zoning map change to C1 with the following Stipulations: 1). That the parcel be developed in accordance with the revised Letter of Intent stamped received April 3, 2006 and the Site Plan stamped received February 27, 2006 and in conformance with all State and County regulations and a pre-code application be required prior to the issuance of any building permits; 2). A Final Site Plan must be submitted within two years of ZMC approval for each use that includes all of the required information, including a Traffic Impact Analysis, as listed on the Final Site Plan checklist along with: a. Design and location of septic system; b. Diagram of internal pedestrian circulation plan; 3). Zoning Map Change approval is contingent upon connection to a central water system; 4). Requirement for screening to the south be waived; 5). Building Permit for first phase must be issued within six months from approval of the Final Site Plan or Zoning Map Change becomes null and void. Connie Dedrick of Pender Engineering represented the applicant. The following persons spoke in favor of the application, generally citing the need for quality development and for services in the area: Yves Fedrigault; Candace Leverett; Roxane Stolz; Bruce Schell; Tracey Graham; Scott Graham; Reginald Owens; and Lance Morris. The following persons spoke in opposition to the application, generally citing concerns about commercial activity in a residential area, traffic, drainage and proximity to Montezuma's Well: Doug West; Raymond Michalowski; Lawrence Terry; Bob Burke; John Cunningham; Frederick Shute; Billy Dabbs; Jeanette Rodda; Carolyn Beck; Patrick McDowell; and Patti Sexton. The following persons submitted public participation forms in favor of the application but did not speak: Kathi Schmidt; Don Leonard; Karla Baysinger; John Reay; Dennis and Judith McClanahan; and Larry Baysinger. The following persons submitted public participation forms in opposition to the application but did not speak: Jo Ann Poole; Carol Holsten; Cherry Crane; and Don Williams. Supervisor Springer moved to approve the recommendation of the Planning & Zoning Commission. Her motion died for lack of a second. Supervisor Davis moved to give the applicant 60 days to go back to the Planning & Zoning Commission to work out details related to what businesses might locate in the center and to work out details related to a possible reduction in density on a residential portion of the property. Chairman Thurman seconded the motion, which carried by a 2-to-1 vote, with Chairman Thurman and Supervisor Davis voting "yes" and Supervisor Springer voting "no."

Mr. Lockard provided the Board with brief background information, saying that the subject property was part of an 80-acre property. He said there was significant opposition to the application, with 15 property owners within one-quarter mile of the property being opposed to it and 13 property owners within the same proximity being in favor of it. He added that the five property owners within 300 feet of the subject property were opposed by that they did not represent a majority of property owners by area. Following public comment, Supervisor Springer said that staff analysis indicated that the Beaver Creek Community Plan had some commercial development included and she asked if this parcel would be included in that proposal. Mr. Lockard said that the community plan does identify a strip of commercial zoning along Beaver Creek Road but that the applicant's property was deeper than that. Ms. Dedrick showed slides depicting different types of development and she spoke briefly about the process of working with the community to try to come up with something that would be acceptable. She noted that an archaeological survey had been done and that it had shown nothing of significance on the property, and that the proposal included 21.8% of the project as open space. Supervisor Springer asked if the owners of the property were also the developers. Ms. Dedrick said yes. Chairman Thurman said that some people were concerned that the property owner was requesting this change just to make money. Ms. Dedrick said that Stockman's Bank would purchase the land for its building and that she had talked with different grocery stores to find out what size building site would be appropriate for a grocery store. Chairman Thurman asked about drainage issues. Ms. Dedrick said there were County regulations that the applicant would have to follow. Supervisor Springer said that the Commission had applied several stipulations to the application, one of which was that the property be developed in accordance with the revised letter of intent, and that in that letter the developer had specifically identified uses under commercial zoning that would normally be allowed but which they had agreed not to include. She asked if that was correct. Ms. Dedrick said yes, and that the developer was willing to put that in the deed restrictions. Supervisor Davis said this was a five-lot split and that he has not supported speculative zoning. He said the applicant had not addressed the remaining residential properties or offered up some reduction in density. Ms. Dedrick said the applicant was only requesting rezoning on the front part of the property. Chairman Thurman asked Mr. Lindner if the public turnout on this day was similar to that at the Commission's hearing on this application. Mr. Lindner said it was not. He said the Commission had recommended the alternative of C1 zoning in an effort to mitigate some public concerns, and that he did not recall the issue of the property's proximity to Montezuma's Well coming up at the Commission

meeting. Supervisor Springer said she thought that a PAD commercial center would be much more attractive than strip zoning and that she felt the Commission had very carefully considered this because some safeguards had been built into it. Supervisor Springer then moved to approve the recommendation of the Planning & Zoning Commission. Supervisor Davis said he would not second the motion. Chairman Thurman said that sometimes in a case like this, where there was not a good turnout at the Commission meeting, he will send an application back to the Commission. He said there was a very heated argument with regard to this application and that he also would not second Supervisor Springer's motion. In making his motion to give the applicant 60 days to return to the Commission, Supervisor Davis said he did believe that the applicant had come a long way in trying to make the project agreeable to the community, but that perhaps the applicant could identify the types of trades that would be located in the center. He also said he would like to see something with regard to a reduction in density on the residential portion of the property.

H2. Preliminary plat, Montezuma Town Homes, 405-01-020S, 020T and 020Q, Lake Montezuma area, Michael Kennedy applicant/agent for Michael Kennedy, Jerry & Ann Schmitz, Douglas & Maria West, #H6038. Enalo Lockard, Assistant Development Services Director. Consideration of a Preliminary Plat for a 25-unit condominium project in a PAD Zoning District. Located in the Lake Montezuma Area at the intersection of Cliffside Trail and Montezuma Avenue. S01 T14N R05E G&SRB&M. The Planning and Zoning Commission recommended approval of the preliminary plat with the following Stipulation: Final Plat must be in general conformance with the approved Preliminary Plat and the Letter of Intent dated February 24, 2006 and all county, state and federal regulations. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Springer. No comments from the public.

H3. Zoning map change from R1L-35 to R1L-18, 406-12-024G and 026E, Verde Village area, Casa Verde Consulting applicant/agent for Williams, Brett/Hocking, Roger, owner, #H5255. Enalo Lockard, Assistant Development Services Director. Consideration of a Zoning Map Change to rezone six parcels from R1L-35 (Residential; Single Family; Limited; 35,000 sq. ft. minimum) to R1L-18 (Residential; Single Family; 18,000 sq. ft. minimum) zoning district. Located west of Donner Drive and east of Camino Real and range in size from .41 acres to .59 acres on a total acreage of 3.32 acres. Subject parcels are not part of the Verde Village subdivision. S11 T15N R03E G&SRB&M. The Planning and Zoning Commission recommended approval of the Zoning Map Change, HA# H5255, for only the parcels 406-12-024G and 406-12-026E, with the following Stipulation: Parcels to be developed in accordance with all county, state, and federal regulations.

Development Services Director Ken Spedding participated in discussion. Matt Morris of Casa Verde Consulting represented the applicant. Supervisor Davis moved to approve the recommendation of the Planning & Zoning Commission. Chairman Thurman seconded the motion, which carried by a 2-to-1 vote, with Chairman Thurman and Supervisor Davis voting "yes" and Supervisor Springer voting "no."

Mr. Lockard provided a brief overview of the application and the Commission's stipulation. Supervisor Davis asked how the surrounding property owners with R1L-35 zoning felt about this application. Mr. Lockard said the only opposition had come from someone with R1L-10 zoning who was concerned about losing his view. Supervisor Springer said this application looked like a subdivision to her. Mr. Morris said the property was surrounded by a platted subdivision but that these properties were not included in the subdivision. He said there were three different property owners involved and that they had come together to ask for rezoning only in order to cut down on the number of hearings. He said no one had realized that this might be seen as a common promotional plan, and that with the exception of one parcel none of the property owners had created the splits that currently exist. Supervisor Springer asked who had created the six parcels. Mr. Morris said that information had been forwarded to the County and that it was very clear that none of the three current property owners were involved. Supervisor Springer said she was concerned that there were some landlocked parcels. Mr. Morris said the lots do not meet current zoning and that the property owners just wanted to be able to build on them. Chairman Thurman asked who had created the lot splits, saying there are people who purchase lots and then find out they cannot build on them because they did not check to make sure the zoning was appropriate. He asked where access for the parcels was located. Mr. Morris showed the Board a map indicating where the access easements were located, saying those easements had already been approved. Supervisor Springer asked Mr. Lockard if he had reviewed the subdivision plat to see how these properties were originally designated. Mr. Lockard said the subdivision was platted in the 1970s and that the subject properties were just called a tract. Supervisor Springer asked if the properties had been acquired because of nonpayment of taxes. Mr. Lockard said that was possible. He said the subdivision plat did provide for public access to the property off of Donner Trail. Supervisor Springer said she had a problem with making what was already a problem area even worse, and she asked why the Commission had recommended approval of this application. Mr. Lindner said the Commission felt this was a way to help clean up an already bad situation. Supervisor Davis asked Mr. Spedding if this was the result of bureaucracy getting in the way because the three property owners joined forces. Mr. Spedding said he thought that was true. He said his department's efforts to have just one hearing to handle the whole thing

gave the appearance of an illegal subdivision but that the reality was his department had just tried to shorten three applications into one. He said that each of the three property owners wants to build just one house and that the properties could not be split any further. Mr. Hocking said if he had requested rezoning of just his one parcel he was sure it would have been approved with no problem, and that it was Development Services that had encouraged him and the other two property owners to work together on a single application.

- H4. Zoning Ordinance Amendment to amend Section 410 (R1L-Residential; Single Family Limited) zoning district of the Zoning Ordinance, Subsections B. and C. relating to public funded charter schools and religious institutions, Philip A. Hillman, Jr. applicant, #H6019. Elise Link, Planning Manager. Upon the application of Philip A. Hillman, Jr. consideration of a request to amend Section 410 (R1L-Residential; Single Family Limited) zoning district of the Zoning Ordinance, Subsections B. and C. relating to public funded charter schools and religious institutions. Applicant is requesting that these uses, which are currently allowed as a matter of right, be required to go through the public hearing process to obtain a Use Permit. The Planning and Zoning Commission recommended approval of the Zoning Ordinance Amendment, as modified below: Changes are underlined in BOLD font: Section 410 (R1L Residential District) "(Residential; single Family Limited to site built structures only) Permitted Uses: B. Religious institutions (in permanent site built buildings) following Administrative Review with Comment Period. C. Educational institutions (publicly funded) as defined in Section 301 (Definitions) (in site-built buildings) following Administrative Review with Comment Period. Section 415 RS District -- RS District (Residential and Services) Permitted Uses: H. Educational institutions (~~privately funded~~) as defined in Section 301 (Definitions) (provided they offer a curriculum of general instruction comparable to similar publicly funded educational institutions.) **I. Religious institutions** Development Services Director Ken Spedding and Senior Land Use Specialist Boyce MacDonald participated in discussion. The following persons spoke in favor of this application, generally citing the need for a review process to lessen the impact of large churches or schools to residential neighborhoods and saying that not requiring these types of institutions to acquire a use permit amounted to treating them differently than other types of endeavors: Janna Bennett; Linda and Jerry Shandley; Robert and Gaye Allen; Doug Cole; Rudy Stadelman; Dale Hunter; and Ann Crowley. The following persons spoke in opposition to the application, generally citing concerns about the constitutionality of requiring churches and schools to obtain use permits and expressing concern about the effect the amendment might have on small organizations as opposed to large ones: Rev. Harold Boldin; James Ledbetter; Michael White; Celinas Ruth; Centria Lilly; George Fledzinskis; Stephanie Schmid; Ron Howe; and Richard Milligan. Jay Bennett submitted a public participation form in favor of the application but did not speak. The following persons submitted public participation forms in opposition to the application but did not speak: Jerry Craypser; Betty Imboden; Allan Sovereign; Richard Imboden; Tom Parmarter; Art Cain; Doug Freeman; Grace Love; Phyllis Haworth; and Eleanor Milligan. Supervisor Davis moved to deny the recommendation of the Planning & Zoning Commission and to direct staff to return to the Board with options to deal with traffic impacts of religious institutions and charter schools. Chairman Thurman seconded the motion, which carried by a 2-to-1 vote, with Chairman Thurman and Supervisor Davis voting "yes" and Supervisor Springer voting "no."

Ms. Link told the Board that one member of the Planning & Zoning Commission had voted no on this application, but that the other members had voted in favor of it because they felt the precedent was already there as a result of other counties throughout the state currently having this type of ordinance. She said the proposed amendment would provide for an administrative review and comment period and that if there was opposition the administrative review would be denied after which the applicant could go through the use permit process. In response to a question from Chairman Thurman, Ms. Link said that Coconino County had had this type of ordinance for 15 or 20 years. Mr. Hillman told the Board this was not an individual or neighborhood issue but instead a County issue, and he mentioned that the County had already dealt with three lawsuits related to this issue. He said that people realize it is not effective to have zoning requirements for all but one or two uses. He said that the United States Constitution does not say that a church can go anywhere it wants to, and that out of 50 or so applications Coconino County had never turned down a use permit for a church or school. Mr. Hillman said there would never be discrimination if everyone is treated equally. Supervisor Davis asked Mr. Hillman what lawsuits he was referring to. Mr. Hillman said he was talking about Life Teen, the Potter's House and Living Waters. Chairman Thurman asked if a church camp where people stay overnight is exempt. Mr. Spedding said his department looked at something like that as an accessory use. Chairman Thurman said he had helped build the church that he attends and that a building permit had to be obtained and inspections were done. He asked whether churches had to get approval for access and road impacts. Mr. Spedding said they did not. Mr. MacDonald said that churches are not exempt, but instead are an allowed use and as such they go through the regular permitting process. He said that in some cases a church camp will have a use permit because they rent their facilities out to other groups. Mr. Spedding said that if something like a day care facility could be tied to a church, then it would be allowed and that this would apply to things like ball fields and gymnasiums and the like. He said there had been extensive discussion about this issue and that in discussing it with the

County Attorney's Office it was felt that requiring churches to obtain a use permit would not be a substantial burden on the free exercise of religion. He added that the same type of criteria would not be placed on a church as might be placed on something like a mini-storage. Supervisor Springer said the reason the Board had taken the action it did with regard to the decision of the Board of Adjustment and Appeals was that the Board members tend to lean toward letting churches go where they want, but that today's churches are not like yesterday's churches and they have the potential for tremendous impact on neighborhoods. She said she thought the use permit process was a kind of leverage and that with the administrative review people would have an opportunity to step forward and make their concerns known. Supervisor Springer said the County would then have the ability to negotiate with the church about what its impact would be on the neighborhood. She said that if the Board did not do this, then it would have no say over other potential uses like ball fields and the like. She said she supported the process as it was approved by the Commission. Chairman Thurman asked if approving a use permit for a church would require a unanimous vote of the Board if 20% of the adjacent property owners do not want it, saying if that was the case it would happen every time. Staff indicated that the unanimous vote provision would apply in such cases. Mr. Spedding said the applicant would have to do a public participation process. Supervisor Davis said he thought a use permit process was out of the question because the Board would then be saying to churches that they could invest a bunch of money and then maybe the County would shut them down later if the neighbors do not like them. He said the only amendment he thought the Board needed to make was to have churches and schools provide some type of traffic analysis and mitigation process. Supervisor Davis said the rules were the rules, and that was what the Board should play by. He said that religious institutions were allowed in residential areas and that he thought for the Board to approve the amendment would amount to a taking because the Verde Valley Christian Church purchased its property knowing that a church was an allowed use. He said this issue was like slapping a fly with a hammer; that this was the first time the Board had encountered this issue and it was looking at dismantling the entire Planning & Zoning Ordinance as a result. Supervisor Davis said that if the Board approved the amendment as it is the Board would be opening itself up for liability. He suggested that staff work out how to address traffic impact issues and not make them burdensome but just address health, safety and welfare issues. Supervisor Springer said it seemed to her that because churches have changed a lot by not having some method of being able to have an ongoing dialogue with churches regarding their proposed uses the Board would almost be giving anyone license to do anything they want in the name of religion and that she did not know that that was really where the Board wanted to go. Supervisor Davis asked who the Board was to determine what religion is. He said that if the measures were in place through the Zoning Ordinance why not address the one thing that was missing, which he said was traffic. Ms. Link said she had looked at the administrative review comment period as a way to address the traffic issues because 99% of the time traffic is the problem. Supervisor Davis said there should be a clear cut standard of traffic safety. He asked how staff would be able to determine if something was a discriminatory remark to sabotage a church if something like this was opened up to a public process. Mr. Hunt said the issue really came down to the nature and extent of the stipulations in each case, and that he did not know that the vehicle for that was going to make a big difference in terms of federal regulations when push comes to shove. He said that what was being considered on this day was a process that staff had brought forward as one way to address the situation, adding that some use permits are granted on a permanent basis. Mr. Spedding said that was correct and that if a church or school was required to obtain a use permit it would most likely be granted on a permanent and transferable basis. Chairman Thurman said he would have to agree with Supervisor Davis on this issue, but that he was in favor of making churches be accountable for traffic problems. He asked how to get to the point of looking at traffic as part of the permitting process for churches and schools. Mr. Spedding said he would speak with Deputy County Attorney Randy Schurr about it, but that he believed there would be a substantial burden issue.

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STUDY SESSIONS

S – BOARD OF SUPERVISORS

- S1. Discussion only regarding the uses of cable television franchise fees. Supervisor Chip Davis. Management Analyst Allison Dixon participated in discussion. (This item was taken out of order and followed Action Items.)

Supervisor Davis said there was a Board resolution stating what the fees could be used for and that the resolution had not been amended. He asked whether these fees would be something the Board might want to look at as it goes through the budget process. He said the resolution allows the fees to be used for park maintenance and for community clean-ups and that he wondered whether the Board might want to instead use the fees for facilities. Supervisor Springer said she thought all of the fees were allocated toward parks. Mr. Holst said that last year he had directed that the cable television franchise fees go to the General Fund

with the understanding that the Facilities Department would be responsible for maintenance costs in the parks. He said that with regard to community clean-ups, there had already been some discussion about increasing funds for them in the 2006-2007 fiscal year budget, but that this issue could certainly be discussed again. Supervisor Springer asked what amount for community clean-ups had been discussed for next year's budget. Ms. Dixon said she believed it was a total of \$300,000. Chairman Thurman said he thought that \$75,000 for each Supervisor's district was sufficient. Supervisor Springer said she agreed. Supervisor Springer asked what the estimated yearly revenue was for cable television franchise fees. Supervisor Davis said it was approximately \$260,000 and that he was wondering if it should go into a facilities account. Supervisor Springer asked if what Supervisor Davis was suggesting was showing the \$260,000 as a revenue source specifically for facilities capital, such as buildings, adding that the Board had previously specified that cable television revenues be used for maintenance of parks. Supervisor Davis said he thought parks and recreation could be taken out of the equation. Supervisor Springer said that was fine with her. Mr. Holst said he would bring the resolution back for formal amendment.

## S – HUMAN RESOURCES

S2. Discussion only regarding Yavapai County's compensation program for 2006-2007, including discussion of range adjustments, merit increases, inclusion of department directors in the compensation program and personnel requests for the next fiscal year. Julie Ayers, Human Resources Director, via video conferencing from Prescott. (This item was taken out of order and followed Action Items.)

Ms. Ayers began by pointing out that the preliminary budget includes a 3% range adjustment and a 2.6% merit increase. She said that because of an increase of 1.7% in the Arizona State Retirement contribution, employees would see an average gross increase of 3.9%. Mr. Holst said that the employee compensation issue was within the \$6 million of revenue that have not been included in the 2006-2007 budget at this point. Supervisor Davis said he was fine with a 3% range adjustment and a 2.6% merit increase for a total of 5.6% but that he was not comfortable with going any higher than that. Supervisor Springer asked whether the 3.9% increase that would result after taking out the increased State Retirement contribution was the same as the rate of inflation. Mr. Holst said yes. He said that at the June 5, 2006, meeting the Board would go over all of the budget items that are still up in the air. Supervisor Springer said the proposed increase was okay with her. Chairman Thurman said he thought it should be the minimum. Ms. Ayers next discussed the merit increase program, saying that feedback from departments and employees was that they would like to see more differentiation between the different levels of merit increase. She said she wanted to suggest changing the merit increase from 2.6% to 3% because it would give departments more flexibility. Ms. Ayers said the cost of that change would be about \$11,000. She said the second part of her merit program proposal was to consider providing employees with a lump sum merit payment that would be equal to the merit increase in ten paychecks, after which the merit increase would appear in the employees' paychecks. She said this proposal would help to highlight the differences in merit increases, and that it would also move the merit increase back one pay period. Supervisor Springer said she liked this idea. She said she believed that merit pay should be a recognition of outstanding effort and that she thought the significance of it sometimes gets lost when it is just put into the paycheck. She said she would support this program. In response to questions from Chairman Thurman and Supervisor Springer, Ms. Ayers said that employees would receive a paycheck increase that would go into effect at the end of November, but that the lump sum payment would be the equivalent of ten pay periods of merit increase. Supervisor Davis asked what the average salary is for County employees. Ms. Ayers said it was just under \$40,000 per year. Supervisor Davis asked how many employees make more than \$50,000 or \$80,000 or \$100,000. He said his point was that many employees have a 20-year retirement program while other employees have a retirement program based on accumulating a total of 80 points of combined age and years of service; that the County has paid holidays and health insurance and that the County pays 41% of the cost of dependent health coverage for employees. Supervisor Davis said he thought the economy had slowed down and that he thought the expectation of above standard job performance should be the standard. He said he would prefer to leave the system the way it is now. Chairman Thurman asked Supervisor Davis if he was opposed to giving employees the ten paychecks worth of merit increase. Supervisor Davis said yes. Supervisor Springer said that government employers are always competing with each other for good employees and that she thought it was important to maintain a pay scale that is as good as the pay scale of those who are trying to steal the County's good employees. She said she could see this as a cost savings because when good employees are lost it is expensive to recruit and train new ones. Supervisor Davis asked whether the County had improved its employee retention rate. Ms. Ayers said that at the present time the County is at the average for government in Arizona. Supervisor Davis said he thought that good management is what keeps people. Chairman Thurman said that if the program was implemented for one year to see how it works then people would anticipate having it from now on. He said he did not want to do a bonus and then



have to take it away. Mr. Holst reminded the Board that this was a study session, saying that when the Board meets again to deal with the rest of the budget issues it could think about its position on this proposal. Supervisor Davis said that if the County had an extremely high turnover rate the Board could look at this program as one response to that, but that he did not see that an issue of turnover currently exists. Chairman Thurman asked if this would only apply to those who are performing well in their jobs. Ms. Ayers said yes. In response to a question from Supervisor Davis about how many employees are rated as not meeting standards, Ms. Ayers said it was about 2%. Chairman Thurman said that many things were happening in the state legislature and that the Board did not yet know what impact that might have on the County. He said he would like to wait and see where things stand in a while. Ms. Ayers said the next proposal was to include department directors in the compensation program. She said that while this concept was not new, she had not yet talked with the department directors about this specific proposal. Ms. Ayers said the proposal was to place each department director title on a range and then move them into steps based on their current salaries. She said if this were to occur then department directors would receive annual adjustments like other employees receive and they would also be included in the merit system. Supervisor Davis said he thought this would take the hassle out of haggling over percentages of increases for department directors and that he had no problem with the proposal. He said that with regard to the department directors under the direct supervision of the Board, if someone did not meet standards then the Board should fire the person. He said he did not see department directors as exceeding or meeting standards but felt that all of the people at this level should be top performers and if they are not it is something that should be dealt with immediately. Chairman Thurman asked if the department directors currently receive a cost of living increase. Ms. Ayers said that occurs only if the Board specifically approves it. Supervisor Springer said she saw no reason not to add the department directors to the compensation program so that they can receive the same increases that other County employees receive and that it would save having to go through a lot of evaluation processes unless there's a specific problem. Ms. Ayers said that if the Board considered increasing the merit increase from 2.6% to 3% it could even just do a 3% across the board merit increase for department directors. Due to time constraints, Ms. Ayers very briefly reviewed reclassification requests, noting that she had received 33 such requests and was recommending support for 21 of them.

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CLAIMS AGAINST YAVAPAI COUNTY

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<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	2,057,393.98	Forest Projects	5,774.28
Jail District	626,201.22	Yavapai Apache Nation	23,906.82
District 2 Park Fund	154.71	Verde Valley Sr Center	100.00
WMD Planner	2,727.13	Improve of Education	702.76
Enhance Ed thru Tech	2,918.31	Reading Special. H&S	1,152.49
Adult Prob Fees over 40	445.13	Dewey Humboldt Agree	7,584.38
Public Health Reserve	9,435.84	Environmental Health	14,718.84
Susan Komen Breast H	520.31	Medical Reserve Corps	2,337.24
Resep Radiation Exp.	530.47	Comm. Health Center	18,084.17
AMPPHI	1,625.48	Family Planning	5,538.31
MCH Programs	2,991.32	Breast Feed. Couns.	8,051.86
Health Promotion	2,578.12	Cost Allocation	542.72
Nutrition	599.17	TB Control	9,613.83
WIC Program	17,000.60	Title X Family Plann.	1,885.68
Jail Enhancement	24,298.95	Juvenile Delinq. Reduct	12,829.64
Juvenile IPS	17,405.43	Juvenile Food Prog	1,893.05
Comm. Advisory Bd	2,500.00	Probation Serv	4,869.80
Adult IPS	37,113.23	Adult Probation Fees	13,276.42
Prob Enhance	47,289.89	Recorder's Surcharge	14,979.35
Indigent Def/Dg	4,098.38	Misc Small Grants	464.41
Crim Just/Atty	5,395.50	Bad Check Prog	3,574.82
Juv Prob Svs	2,032.23	Commodity Fd	779.44
Hi Risk Chld HI	6,707.79	Clerk's Storage	1,452.50
HIV Counsel & Test	466.88	Atty Anti-Racket	52,022.36
PANT	7,701.68	Law Library	320.00
CASA	4,746.84	Case Processing	6,392.75
Prim. Care – V.V.	3,029.08	Victim Witness Prog	9,860.69

Conciliations Court	1,373.75	Enhance Drug Court	4,337.30
Inmate Health Svs	384.09	Drug Enforce. Fund	3,437.91
Probate Fund	910.57	Primary Care Services	14,052.41
PC Fees VV	340.90	Local ADR	839.83
FTG Indigent Def.	1,718.75	Victims Rights Impl	3,318.15
JAIBG Juv Acct P 7	1,840.39	Yavapai Indian Agree	1,979.78
Dietetic Intern	413.35	Immuniz Service	3,293.60
Personal Care Svs	3,960.41	Idea-Preschool	1,507.80
Subs Abuse/DARE	334.07	Chem Abuse	445.38
Family Drug Court	1,548.35	Juv Det/PACE	923.13
Collab. Comp Rev Gr	7,227.58	Special Program	19,369.30
Sm Schools BEHA	26,498.53	Mobile Command Cent.	2,550.00
Fill the Gap – Courts	14,493.97	Hurf Road Funds	559,659.37
Assessor Surcharge	11,188.18	Health Fund	69,643.51
Jail Commissary	8,960.46	Landfill Administ.	40,437.77
Judge Pro Tem Div B	9,623.70	Water Advisory Comm.	3,190.21
Tire Recycle	2,915.34	Safe School Pro	6,247.60
Adhs-Svs Coord	1,873.01	Local Incentive Awards	968.97
War Memorial Trust	123.43	Fill the Gap – Attorney	3,432.15
Family Law Commiss.	8,948.89	Comm Punish Pro	10,738.24
Juven. Detent Ed Pro	5,234.06	Regnl Road Project	178,609.30
Library Auto Consor	15,530.53	Health Start	2,797.64
Interstate Compact Pro	2,056.49	Ryan White II	3,241.87
Prepared. Bioterror	13,414.46	Primary Care Fees	50,459.26
Perinatal Block	2,467.58	Well Woman Health	5,527.83
Tobacco Educ	12,754.09	Victim Assist. ACJC	1,173.24
St Implement Grant	76.52	School Reso. – Mayer	1,008.95
Az Region. Support	332.32	Direct Treatment Fund	8,526.33
Mental HealthRWJF	2,437.70	Mental Health Part.	2,437.70
Field Trainer	2,544.00	Attendant Care	24,405.63
HIV WYGC	243.16	Childrens Justice	2,141.73
Child Sup & Vis	949.64	Domestic Relations Ed	615.94
Self Service	755.34	VOCA	11,432.63
JTSF Treatment	5,627.02	Diversion Conseq.	1,521.73
Capital Projects	62,288.39	ALTCS	1,959,089.95
Help Debt Svs Loans	188,203.13		

In addition, payroll was issued on May 12 for the pay period ending May 6; warrant numbers 2461385 through 2461711, in the amount of \$282,548.63. Jury certificates issued during this time; 6876048 through 6876219. Warrants issued for May 15 Board day, 4264063 through 4264454; 4264455 through 4264941.

There being no further business to discuss, the meeting was adjourned. Following the conclusion of the meeting, the Board members and staff traveled to the Verde Valley Senior Center for lunch and tour of the building.

ATTEST:

\_\_\_\_\_Clerk\_\_\_\_\_Chairman