

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 18, 2006

The Board of Supervisors met in regular session on September 18, 2006, at 9:00 a.m. in Cottonwood, Arizona.

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 With the exception of items C6, C7A, C8 and C22, all items were approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Springer. No comments from the public.

C – BOARD OF SUPERVISORS

C1. Minutes of meeting of September 5, 2006, and of special meeting of September 6, 2006.

C2. Consider granting Arizona Public Service Company an easement through County-owned property (rodeo grounds) as requested by the Prescott Antique Auto Club.

C3. Authorize issuance of Amended Quitclaim Deed for Conveyance of County's Right, Title and Interest in Golden Eagle Lode Mining Claim and Auxiliary Golden Eagle Millsite Claim.

C4. Sitting as the Yavapai County Board of Equalization, consider ratifying Hearing Officer decisions for two parcels held in abeyance on September 5, 2006, parcels 501-17-001A and 501-17-006.

C5. Appoint Thomas Reilly to the Planning & Zoning Commission as a representative of District 1, to replace Linda Bitner, with term to expire September 1, 2007.

C6. Approve Amendment to Real Property Transfer Agreement with the City of Cottonwood. Approved by unanimous vote following clarification regarding the location of the property and that it was not needed for expansion of County facilities in the Verde Valley. Motion by Supervisor Springer, second by Chairman Thurman. No comments from the public.

C7. Approve vouchers.

C7A. Approve Amendment No. 1 to Joint Funding Agreement for an Investigation of Water Resources in Arizona (No. 06W4AZ01900) between the U.S. Geological Survey and Yavapai County, to accept additional \$13,000 in funding. Approved by unanimous vote after clarification that the additional money would be used toward the modeling project. Motion by Supervisor Davis, second by Chairman Thurman. No comments from the public.

C – COUNTY ADMINISTRATOR

C8. Consider approval of a budget transfer of \$300,607 from Contingency to the Public Defender's Office for capital cases. Public Defender Janet Lincoln participated via video conferencing from Prescott. Following brief discussion and a request from Supervisor Springer for a report regarding the capital cases and the cost for each, the Board voted unanimously to approve this item. Motion by Supervisor Springer, second by Chairman Thurman. No comments from the public.

C – DEVELOPMENT SERVICES

C9. Final plat, Beaver Creek Villas (aka Montezuma Townhomes), 405-01-020Q, Lake Montezuma area, Michael Kennedy applicant/agent for Michael Kennedy, Jerry and Ann Schmitz, Douglas and Maria West, #H6122. Consideration of a Final 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.

C10. Final Plat, Oak Creek Villas, 405-41-069, Village of Oak Creek area, Patrick Naville, Shephard-Wesnitzer, Inc. applicant/agent for Oak Creek Villas Condominiums, #H6126. Consideration of a Final Plat for a 24-unit apartment to condominium conversion project in a R2-3 zoning district. The Sketch Plan for this project was approved April 17, 2006. Located on Cortez Drive in the Village of Oak Creek. S018 T16N R65E G&SRB&M.

C11. Zoning map change from R1L-35 to R1L-18, 406-12-024M, 406-12-024Z, 406-12-026B and 406-12-026F, Verde Village area near Cottonwood, Matt Morris, Casa Verde Consulting applicant/agent for Gari Basham, #H6106. Consideration of a Zoning Map Change for four parcels ranging in size from 20,056 sq. ft. to 25,635 sq. ft., to change the zoning from R1L 35 (Residential; Single Family Limited; 35,000 sq. ft. minimum) zoning district to R1L-18 (Residential; Single Family Limited; 18,000 sq. ft. minimum) zoning district. Located within Verde Village Unit 6, West of Donner Circle S11 T15N R03E G&SRB&M. The Planning and Zoning Commission recommended approval/denial of the Zoning Map Change with the following stipulation: Property must be developed in accordance with the Letter of Intent dated July 3, 2006 and in

accordance to all county, state and federal regulations.

C – FINANCE

- C12. Permission to hold auction on November 4, 2006, for auction of surplus County computers, printers, furniture, equipment and miscellaneous items.

C – FLEET MANAGEMENT

- C13. Permission for David Gartner, Bob Carson and Dave Legue to take County vehicle out of state October 16-20, 2006, in conjunction with attendance at the Rocky Mountain Fleet Managers' Association Conference in Westminster, CO.

C – MANAGEMENT INFORMATION SYSTEMS

- C14. Permission to purchase updated GIS imagery for use by all departments, at a cost of \$21,980 to be paid from the Technology Fund.

C – PUBLIC DEFENDER

- C14A. Permission to hire Elaine Newlin as an Attorney Entry, Range 65, Step 1, effective September 18, 2006.

C – PUBLIC WORKS

- C15. Consider approval of a right-of-way project on Ironwood in the Black Canyon City area.
- C16. Consider approval of a no parking zone along Cherry Lane and Rock House Lane in Yarnell. Cost of \$300 for signs, to be paid from HURF.
- C17. Award or reject bids for one 24' Mobile Command Center. Bids opened September 5, 2006, with bids received from the following vendors: Dodgen Industries, Inc., \$111,327.27; Steel Quality LLC dba Quality Vans, \$129,181.61; and Specialty Vehicle Solutions, LLC, \$171,490. Recommend awarding to low bidder Dodgen Industries, Inc., in an amount not to exceed \$111,327.27 to be paid from budgeted Homeland Security grant funds.
- C18. Consider approval of contract extension with CBJ Asphalt & Concrete Contractors, LLC for Annual Contract for Crack Sealing in Yavapai County Arizona, Contract #2513849.
- C19. Consider approval of extension for completion of services for the following Authorizations of Services: C.L. Williams Consulting, Inc. for Lake Montezuma Secondary Access Study (AOS #2515871), to December 1, 2006; Lima & Associates, CYMPO Plan Update (AOS #2413422) to December 31, 2006; and Arcadis G&M, Inc., for S.R. 89 (Road 5 South to S.R. 89A) (AOS #2415185), to October 1, 2007.
- C20. Consider accepting roads in North Arrow Ranch as fully maintained County roads and release funds being held in retention under the financial assurances.
- C21. Approve release of funds being held in retention under the financial assurances for American Ranch Phase 4A. Roads are classified as private and will not receive maintenance from the County.

C – SHERIFF

- C22. Permission to accept U.S. Department of Justice, Office of Community Oriented Policing Services, methamphetamine grant in the amount of \$197,446. No County match required. Sheriff Steve Waugh participated in discussion of this item. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Springer. No comments from the public.
- C23. Permission for Lt. James Jarrell to take a County vehicle out of state to Las Vegas, Nevada, November 27-December 1, 2006, in conjunction with attendance at the 8th Annual Internal Affairs Conference.
- C24. Permission for Sgt. Luis Huante to take a County vehicle out of state to Las Vegas, Nevada, September 18-20, 2006, in conjunction with training, "Managing Police Discipline."
- C25. Permission for the Eastern Detention Bureau to trade 8 Glock Model 23 .40 caliber pistols for 7 Glock Model 22 .40 caliber pistols in order to standardize inventory.

ACTION ITEMS

A – BOARD OF SUPERVISORS

- A1. Consider approval of agreement with Mingus Center for Title 36 Screening and Evaluation Services for the period October 1, 2006 through June 30, 2007. Cost of \$76,297 per month, to be paid from General Fund. Dave Hunt, Board Attorney/Assistant County Administrator. Interim Long Term Care Director Dana Evans participated in discussion. Upon a motion by Supervisor Davis, seconded by Supervisor Springer, the Board voted unanimously to approve the agreement. No comments from the public.

Mr. Hunt explained that requests for proposals for Title 36 services had been let, and that Mingus Center was the only responder to the RFP. He said the agreement locked in the price for two years with an option for a third year. He told the Board that at this point it had no other option with regard to these services, but that staff was looking into possibilities for obtaining the services through the state or through the current

jail medical provider. Mr. Hunt added that the agreement had a three-month opt-out clause. Supervisor Springer asked if there were numbers available regarding the number of screenings done during the last year. Mr. Hunt said that Medical Assistance had some numbers but that getting those numbers had been one of the problems experienced with Mingus Center. Supervisor Springer asked if it would be possible for the Board to have a report on what the cost per person is for the screenings. Mr. Hunt said he would follow up on that. Mr. Holst noted that this contract would cost about \$300,000 over what was budgeted for this program. There was brief discussion about the possibility of funding from outside agencies to help offset the cost, during which Mr. Hunt said there had been attempts to acquire federal money for this program but that those attempts had not been very successful. There was brief discussion regarding the possibility of contracting for services with Maricopa County or through a provider in another county and transporting patients, as well as discussion regarding the possibility of using video conferencing for screening purposes. Ms. Evans said she had talked with the Arizona Department of Health Services about the possibility of contracting for services through DHS and that the County's program was currently being evaluated by DHS to see if that would be feasible. She said she thought that it was a good idea to look into the possibility of using video conferencing for screenings, but cautioned the Board that it was her understanding from providers that they prefer to have a one-on-one meeting with a person before ordering a Title 36 commitment. In response to a question from Supervisor Davis, Ms. Evans said the County was not responsible for the cost of treatment, only for the cost of screening and evaluation.

A – HUMAN RESOURCES

- A2. Consider appointing Jan Hart as Long Term Care Director, at a salary of \$81,401, annualized, effective October 2, 2006. Julie Ayers, Human Resources Director. Ms. Hart and Interim Long Term Care Director Dana Evans were present for this item. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Springer. No comments from the public. Following the vote, the Board presented Ms. Evans with a certificate of appreciation for her outstanding service to the County as Interim Director.

HEARINGS

H – DEVELOPMENT SERVICES

- H1. Zoning map change from RCU-2A to R1L-35, 405-28-379G and 405-28-379F, Village of Oak Creek area, James Sullivan applicant/Agent for Thomas Morin/John Stewart, #H6103. Enalo Lockard, Assistant Development Services Director. ** Chairman Thurman called for comments from the public. There were none, whereupon Supervisor Davis moved to approve the recommendation of the Planning & Zoning Commission. Supervisor Springer seconded the motion, which carried by unanimous vote. No comments from the public. Consideration of a Zoning Map Change for two parcels, approximately two acres each to change the zoning from RCU-2A (Residential; Rural, 2 acre minimum) zoning district to R1L-35 (Residential; Single Family Limited; 35,000 sq. ft. minimum) zoning district to allow for the development of four single family residential lots. Located at the end of Arabian Drive just West of S.R. 179 in the Village of Oak Creek . S24 T16N R05E G&SRB&M. The Planning and Zoning Commission recommended approval of the Zoning Map Change, with the following stipulations: 1). Property must be developed in accordance with the Letter of Intent dated June 22, 2006 and with all county, state and federal regulations; 2). A 1-foot non-vehicular easement must be recorded along the east boundary of parcel # 405-28-379F to prevent access from S. R. 179; 3). Engineered plans providing access from the end of the right-of-way on Arabian Drive to the proposed 30 foot easement must be approved by the Yavapai County Public Works department, and improvements constructed to county standards, prior to the issuance of any building permits; 4). An engineered drainage report detailing the existing flood hazard and location of building envelopes will be required to be submitted to the Flood Control Unit for approval prior to application for any building permits; 5). Applicants will work in coordination with the Forest Service to ensure that the National Forest boundary to the south is surveyed and posted with boundary signs.
- H2. Use permit for horse boarding and riding lessons in an R1-18 zoning district, River Run Ranch, 406-13-055G and 406-13-056, Bridgeport area, Terrence Majchrzak, #H6105. Consideration of a Use Permit for horse boarding and riding lessons on a seven acre portion of two parcels totaling approximately 20 acres in size in an R1-18 (Residential; Single Family; 18,000 sq. ft. minimum) zoning district . Located in the Bridgeport area at the end of Thompson Road. S12 T15N R03E G&SRB&M. The Planning and Zoning Commission recommended approval of the use permit with the following stipulations: 1). Use Permit must be operated in accordance with the Letter of Intent dated June 30, 2006 and the site plan stamped date received July 3, 2006 and in accordance to all county, state and federal regulations; 2). Approval of the Use Permit on a permanent and non-transferable basis; 3). No lot splits shall be allowed within the two parcels while the Use Permit is in effect; 4). No customer parking will be allowed on Sandy Hollow Road; 5). Activities will be limited to daylight hours 6). Waiver of surfacing requirement of the parking lot to allow a gravel surface; 7). Waiver of screening requirements; 8). Certificate of Compliance to be issued within 6 months of Board of Supervisors approval. Enalo Lockard, Assistant Development Services Director. The applicant, Mr. Majchrzak and his wife, Julie Studer, participated in discussion of this item, as did adjacent property owner Meredith Dawson, who said she was not opposed to the application provided certain

areas could be screened, a dog-proof fence could be provided and the dense housing area could be moved farther away from her property, and that because of the use permit she could not longer use her property in the manner she had anticipated. Supervisor Davis moved to approve the recommendation of the Planning & Zoning Commission but to change stipulation #7 to require screening for the property immediately adjacent to existing pen structures along the southern boundary of Ms. Dawson's property, with the understanding that the applicant would work with staff regarding screening options. Chairman Thurman seconded the motion, which carried by unanimous vote.

Mr. Lockard provided brief background information on this item, noting that applicant was requesting permission to have 40 horses on 20 acres, which he said was allowed as a matter of right, and to also provide riding lessons. He noted that the Commission's vote was a split vote, and that it was over whether or not the use permit should be transferable. Following Ms. Dawson's comments and Mr. Majchrzak and Ms. Studer's rebuttal of those comments, Supervisor Davis asked Ms. Studer if it would be possible to put vegetative screening between the horse pens and Ms. Dawson's property line. Ms. Studer said yes, and that she would like to know what type of screening would be appropriate. Supervisor Davis asked her to work with staff regarding appropriate screening. Following the Board's vote, Ms. Studer asked if the Board would address the issue of transferability of the use permit. Supervisor Springer said that if a use permit is issued on a permanent and transferable basis it amounts to a rezoning, and that if Ms. Studer wished to have a permanent and transferable situation it would be best for her to apply for a zoning map change.

H3. Use permit for a two-bedroom Bed & Breakfast Homestay in an R1L-35 zoning district, Casa Libelula Bed & Breakfast, 405-13-038, Village of Oak Creek area, Virginia Simpson, #H6109. Enalo Lockard, Assistant Development Services Director. Consideration of a Use Permit for a two bedroom Bed & Breakfast Homestay on a 1.07 acre parcel in an R1L-35 (Residential; Single Family; 35,000 sq. ft. minimum) zoning district. Located in the Rancho Rojo Estates Subdivision at 75 Arabian Drive in the Village of Oak Creek. S24 T16N R05E G&SRB&M. The Planning and Zoning Commission recommended denial of the Use Permit. Village of Oak Creek residents Joanne Johnson and Zona Fink submitted public participation forms in opposition to this application but did not speak. Village of Oak Creek residents Bob Carabell and Peggy Dorrell spoke in opposition to this application and encouraged the Board to uphold the Commission's recommendation to deny. Upon a motion by Supervisor Davis, seconded by Supervisor Springer, the Board voted unanimously to approve the recommendation of the Planning & Zoning Commission to deny this application.

H – PUBLIC WORKS

H4. Renewal of existing agreement for a water franchise with Cathedral Vista Water Company, Sedona area. Phil Bourdon, Public Works Director. Approved by unanimous vote. Motion by Supervisor Davis, seconded by Supervisor Springer. No comments from the public.

H5. Resolution to establish Valley Vista Road in the Lake Montezuma area as a County highway. Phil Bourdon, Public Works Director. Resolution No. 1626 was approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Springer. No comments from the public.

EXECUTIVE SESSION

E – BOARD OF SUPERVISORS

E1. Convene in executive session pursuant to A.R.S. §38-431.03(A)(1) to discuss merit increases for those department directors appointed by the Board of Supervisors. Upon a motion by Supervisor Davis, seconded by Supervisor Springer, the Board voted unanimously to convene in executive session.

ACTION ITEMS RELATED TO EXECUTIVE SESSION

EA – BOARD OF SUPERVISORS

EA1. Consider merit increases for those department directors appointed by the Board of Supervisors. Supervisor Davis moved to approve the merit increases as discussed in executive session. Supervisor Springer seconded the motion, which carried by unanimous vote. No comments from the public.

CLAIMS AGAINST YAVAPAI COUNTY

<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	2,201,357.98	Forest Projects	186.56
Jail District	662,530.48	WMD Planner	2,806.91
Improve of Education	775.27	Enhance Ed thru Tech	2,624.44
Reading Special. H&S	1,398.40	Math & Science Ptnr	1,610.00
Adult Prob Fees over 40	1,350.07	Dewey Humboldt Agree	7,849.79

Marijuana Eradication	84.11	Sexuality Education	1,474.51
Public Health Reserve	11,061.09	Environmental Health	14,019.01
Susan Komen Breast H	142.23	Resep Radiation Exp.	350.67
Comm. Health Center	16,299.35	AMPPHI	326.95
Family Planning	5,279.40	MCH Programs	1,032.75
Breast Feed. Couns.	3,020.07	Physical Activity	2,970.91
Cost Allocation	2,115.83	Nutrition	953.87
TB Control	66.09	WIC Program	17,167.81
Title X Family Plann.	2,480.94	Jail Enhancement	1,508.58
Juvenile Delinq. Reduct	14,954.43	Juvenile IPS	16,808.84
Family Counseling	3,000.00	Juvenile Food Prog	1,833.39
Probation Serv	6,748.47	Adult IPS	39,245.16
Adult Probation Fees	14,307.68	Prob Enhance	49,276.42
Recorder's Surcharge	8,083.81	Indigent Def/Dg	2,707.03
Misc Small Grants	503.96	Crim Just/Atty	5,521.13
Bad Check Prog	2,716.13	Juv Prob Svs	2,275.28
Hi Risk Chld HI	6,139.87	Clerk's Storage	2,970.92
HIV Counsel & Test	66.94	Atty Anti-Racket	6,618.21
PANT	9,603.06	Law Library	154.95
CASA	3,256.99	Case Processing	6,167.45
Prim. Care – V.V.	1,690.79	Victim Witness Prog	9,118.87
Conciliations Court	1,513.75	Enhance Drug Court	3,598.35
Inmate Health Svs	1,412.59	Drug Enforce. Fund	3,491.93
Probate Fund	1,437.27	Primary Care Services	9,542.22
PC Fees VV	376.49	Local ADR	375.00
Victims Rights Impl	3,810.53	JAIBG Juv Acct P 8	1,964.76
Victims Rights Program	1,602.16	Yavapai Indian Agree	2,416.91
Dietetic Intern	302.12	Immuniz Service	3,214.70
Personal Care Svs	5,495.73	Idea-Preschool	1,219.18
Subs Abuse/DARE	316.23	Chem Abuse	237.19
Family Drug Court	1,221.92	Juv Det/PACE	5,036.63
Collab. Comp Rev Gr	993.51	Special Program	20,606.43
Sm Schools ECIA	296.90	Sm Schools BEHA	13,784.74
FTG Local Court	7,783.31	Hurf Road Funds	470,983.74
Assessor Surcharge	11,471.65	Health Fund	75,538.39
Jail Commissary	7,882.97	FEMA	830,543.66
Judge Pro Tem Div B	11,285.70	Water Advisory Comm.	3,259.20
Tire Recycle	2,060.41	Safe School Pro	4,847.24
Service Coordinator	772.96	Local Incentive Awards	1,170.19
Fill the Gap – Attorney	6,567.32	Family Law Commiss.	8,959.40
Comm Punish Pro	11,066.81	Adult Drug Court	2,657.72
Juven. Detent Ed Pro	3,113.74	Regnl Road Project	129,295.68
Contributions SO	32.50	Library Auto Consor	527.22
Health Start	2,400.01	Victim Compens. ACJC	496.77
Interstate Compact Pro	2,104.66	Ryan White II	1,737.56
Prepared. Bioterror	14,013.50	PC Fees W. Yav.	32,671.53
Perinatal Block	2,353.13	Well Woman Health	3,217.12
Tobacco Educ	10,231.15	Victim Assist. ACJC	348.91
St Implement Grant	574.93	School Reso. – Mayer	975.30
St Grant in Aid	220.00	Drug Treat Ed	11,268.13
Mental HealthRWJF	1,774.77	Mental Health Part.	1,785.48
Field Trainer	373.44	Attendant Care	22,953.22
HIV WYGC	12.03	Child Sup & Vis	962.46
Juv Delq Case Proc.	945.92	Self Service	311.04
VOCA	9,513.02	JTSF Treatment	4,708.02
Diversion Conseq.	499.19	Capital Projects	4,505.00
Seligman Runway Airp.	17.69	ALTCS	2,137,813.77

In addition, payroll was issued on September 15 for the pay period ending September 9; warrant numbers 2464373 through 2464706, in the amount of \$283,904.94. Jury certificates issued during this time; 6878184 through 6878418. Warrants

issued for September 18 Board day, 4272016 through 4272388; 4272389 through 4272734.

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

ATTEST:

_____ Clerk _____ Chairman