

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

November 20, 2006

The Board of Supervisors met in regular session on November 20, 2006, at 9:00 a.m., in Cottonwood, Arizona.

Present: Thomas Thurman, Chairman; Chip Davis, Vice Chairman, via video-conference from his home in Clarkdale; 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.

PRESENTATIONS

P – BOARD OF SUPERVISORS

P1. Presentation of 2006 LTAF II Grant Funds for District 3. Supervisor Chip Davis. As Supervisor Davis was unable to be physically present on this day, his Administrative Assistant, Chris Moran, handed out checks to representatives from the Central Arizona Food Bank, Verde Valley Veterans, YES the ARC, and Verde Valley Caregivers.

CONSENT AGENDA With the exception of items C5., C10., C11., C15., and C17., all items on the Consent Agenda 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 November 6, 2006, and of special meeting of October 31, 2006.
- C2. Liquor licenses for which there are no protests: (a) Series 12 Original, Circle Bar Steak House, Bagdad area, Lisa Annette Murphy; (b) Series 10 Original Beer and Wine Store, Casey's Corner, Cornville area, Michael James Anderson; (c) Series 9 Location Transfer, Liquor Barn, Spring Valley area, Alfie B. Ware; (d) Series 7 Person Transfer, Bernie's Drifter Bar & Grill, Peeples Valley area, Bernard M. Petrus.
- C3. Authorize sale of County property, 404-32-057, at auction with the minimum acceptable selling price to be 100% of the appraised value plus costs of appraisal and publication.
- C4. Appointment of precinct committeemen as recommended by the Yavapai County Republican Party, as evidenced in Board Memorandum No. 2006-16.
- C5. Consider approval of a legislative proposal to allow for the exchange of Columbus Day as a legal holiday for the day after Thanksgiving. County School Superintendent Tim Carter participated in discussion. Approved by a 2-to-1 vote, with Chairman Thurman and Supervisor Davis voting "Yes", and Supervisor Springer voting "No." Motion to approve by Chairman Thurman, seconded by Supervisor Davis. No comments from the public.

Supervisor Springer said that, as she understood it, this proposal would only allow counties the option of trading Columbus Day for the day after Thanksgiving and that she did not feel comfortable with the idea of changing a state holiday just for counties when most other governments were taking Columbus Day off. Supervisor Davis said the proposal was permissive. He said that the business world does not take Columbus Day off and that since most families do things over the Thanksgiving Day holiday he thought it was more appropriate to have the ability to close County offices on the day after Thanksgiving than on Columbus Day. He said he believed that cities and towns already had the ability to do this. Mr. Hunt said that cities and towns are already making the trade, that the statutes for municipalities regarding holidays were different than those for counties, and that the language in the legislative proposal was permissive. In response to a question from Chairman Thurman regarding how many school districts had taken the November 10 holiday for Veterans' Day, Mr. Carter said that some did and some did not, that each district determined its own calendar, and that school districts had always had at least four days off for Thanksgiving. Chairman Thurman expressed concern about the introduction of this proposal creating a problem for other Yavapai County legislative proposals, to which Supervisor Davis responded that thousands of bills were introduced each year and that he did not believe including this one would be a problem.

- C6. Approve payment of Yavapai County's share of legal fees awarded in the Burke class action settlement in the amount of \$7,077.97 to be paid from Contingency.
- C7. Accept petitions for establishment of Diamond Valley Water District, set hearing for December 20, 2006, at 9:30 a.m., and

set bond in the amount of \$1,571.18; and authorize request to the Arizona Department of Revenue for an extension of the November 1<sup>st</sup> deadline for reporting new taxing jurisdictions to December 31, 2006, with regard to this proposed district.

- C8. Acknowledge receipt of official canvass of election held in Chino Valley Irrigation District on November 7, 2006.
- C9. Approve vouchers.

#### C – DEVELOPMENT SERVICES

- C10. Final plat Phase 1, Spring Creek Ranch, 407-23-002F, Page Springs area, Arizona Engineering Company/Charles Dryden agent for Spring Creek Land Company, LLC, #H6155. Consideration of a Final Plat for Phase 1 for a 15 lot subdivision in a RCU-2A (Residential; Rural, 2 acre minimum) zoning district. The Sketch Plan for this project was approved July 27, 2005. Located off of Spring Creek Ranch Road, East of S.R. 89A and North of Willow Point Road. S021 T16N R04E G&SRB&M. Applicant Eric Borowsky, managing partner of Spring Creek Land Company, participated in discussion, answering the Board's questions and responding to opposition comments. The following persons spoke in opposition to this item, generally citing concerns about lack of notice regarding this application, water availability and about potential pollution of Spring Creek and other waterways in the area because the development would have septic systems on each lot instead of a centralized wastewater system: John Lockway, Ruth Waddell, Mark Haskell, and Paul Gabaldon. Jerome Vice-Mayor and Yavapai County Water Advisory Committee member Jane Moore also participated in discussion, asking questions for informational purposes on behalf of the WAC. Upon a motion by Supervisor Davis, seconded by Supervisor Springer, the Board voted unanimously to approve the final plat for Phase 1.

Mr. Borowsky said there were 246 acres in the subdivision and that there would be 98 lots. He pointed out on a map where the majority of springs are in the area, saying that the springs generate six million gallons of water per day. He said that a problem with having a centralized wastewater treatment facility for the subdivision was that it would take some time for the subdivision to be built out, and it was anticipated that many of the residents of the subdivision would be there only on a part-time basis. Mr. Borowsky said that on this day he was asking for approval of the first phase, which included 15 lots, and that the Arizona Department of Water Resources (ADWR) had no concerns about the amount of water that was available. He said there would be no impact on the downstream use of water and that with the modern septic systems available he did not anticipate there would be any leaching of sewage into Spring Creek. Chairman Thurman said that if the County or the Arizona Department of Environmental Quality (ADEQ) felt there was a problem with leaching property owners would be required to install alternate septic systems, adding that there were not enough lots in the subdivision to make a wastewater treatment facility feasible. He noted that because a water district had been formed for the subdivision, less water would be used than would be used from 15 individual wells. In response to questions from Ms. Moore, Mr. Borowsky said that because a water district had been established for the subdivision water use would be monitored, that he would be happy to provide her with a copy of his hydrologist's report on water for the subdivision, and that most of the lots were 300 feet away from the creek. He added that he had met with representatives of the U.S. Fish & Wildlife Service and would be meeting with them again, and that Spring Creek was not included as critical habitat for the Gila chub. Ms. Moore said the WAC was looking into persistent chemicals in wastewater, and she asked when approval of a subdivision like this would become public. Chairman Thurman noted that this application had not gone through the Planning & Zoning Commission because there was no change in zoning or density, and that he believed the WAC could be added to the agency review list for Development Services. Supervisor Davis said he found it ironic that the Board would have discussions on this day regarding two exact opposites for solutions to development proposals, and that at 10:00 a.m. the Board would hear opposition to a wastewater treatment facility. He said that the Spring Creek Ranch proposal was unusual and that was why there was some frustration on the part of the public and staff. Supervisor Davis said the proposal would not change zoning or increase the density and that the applicant was not asking for any waivers from County regulations. He said the Cornville Community Plan showed the area as residential use with two-acre minimums and that the applicant's proposal was actually for larger lot sizes. Supervisor Davis asked those present to understand that the Board has no authority with regard to water under current statutes, and that ADWR would deal with water issues and ADEQ would deal with septic issues. He said there had been notification to adjacent property owners regarding this subdivision because it met County code, and that in this particular case the property owner had a right to develop his property and that the Board had not seen or heard anything compelling enough to deny him that right. Supervisor Davis said he would rather see the applicant's current proposal than a high density proposal, and that he did not see any negative impact to County taxpayers because of the proposal. He said he believed the developer had done a good job, and that while he could understand the concerns of those who had spoken on this day the Board had legal limitations.

#### C – FINANCE

- C11. Consider adoption of the Federal Internal Revenue Service mileage rate as the County's mileage reimbursement rate.

Finance Director John Zander participated in discussion of this item, clarifying that approval of this request would eliminate having to bring adoption of mileage rates back to the Board each year and that approval would increase the rate to 44.5 cents per mile through the end of December, after which it would go to 48.5 cents per mile for next year. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Springer. No comments from the public.

- C12. Consider adoption of donation policy as previously discussed in study session on November 6, 2006.

C – FLOOD CONTROL DISTRICT The Board of Supervisors resolved into the Board of Directors of the Yavapai County Flood Control District and after consideration of the item listed below reconvened as the Board of Supervisors.

- C13. Consider approval of payment in the amount of \$18,000 to George H. Morin and Dorene M. Morin for a drainage easement associated with channel improvements to a private property as part of the Devils Kitchen Drive Drainage Improvements in the Village of Oak Creek, 405-28-168. To be paid from Construction in Progress account. Reference: Library District minutes.

#### BOARD OF DIRECTORS

#### YAVAPAI COUNTY FLOOD CONTROL DISTRICT

Minutes of Meeting

November 20, 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 (via video-conference from his home in Clarkdale); Carol Springer, Member; Bev Staddon, Clerk.

Also present: Ken Spedding, Development Services Director; Phil Bourdon, Public Works Director.

Upon a motion by Director Davis, seconded by Director Springer, the Board voted unanimously to approve payment in the amount of \$18,000 to George H. Morin and Dorene M. Morin for a drainage easement associated with channel improvements to a private property as part of the Devils Kitchen Drive Drainage Improvements in the Village of Oak Creek, 405-28-168. To be paid from Construction in Progress account.

The Board considered awarding or rejecting bids received for Devils Kitchen Drive and Merry Go Round Rock Road Drainage Improvements, Village of Oak Creek, Yavapai County, AZ, Project #2516136 as proposed in Public Works agenda item, in the total amount of \$214,824.75 with \$132,000 to be paid by Flood Control (balance will be paid by Public Works, HURF). Bids opened November 7, 2006, with bids received from the following vendors: Atlantis Construction, \$214,824.75; Critco, Inc., \$270,996; SDB, Inc., \$339,244.50; and A. Miner Contracting, \$394,141. Recommend awarding to low bidder, Atlantis Construction. Mr. Spedding explained that this project was being coordinated with the Public Works Department. Director Davis asked if anyone had prior experience with the low bidder. Mr. Bourdon said no, but that the company was a fully bonded and licensed contractor and that he was comfortable that it would complete the job. Upon a motion by Director Davis, seconded by Director Springer, the Board voted unanimously to award the bid to Atlantis Construction in the amount of \$214,824.75 as recommended by staff, with \$132,000 of that amount to be paid by the District.

#### C – HUMAN RESOURCES

- C14. Consider an exception to Personnel Policy and Procedure 4.01, Compensation Program, by allowing the Community Health Services Department to hire grant-funded Nurse Practitioners above Step 10, with Human Resources approval, for a six-month period of time due to current market conditions.

C – LIBRARY DISTRICT The Board of Supervisors resolved into the Board of Directors of the Yavapai County Free Library District and after consideration of the item listed below reconvened as the Board of Supervisors.

- C15. Consider approval of a lease agreement between the Library District and Valley Oak Properties that will allow the District to remain in its current office space for three more years. Cost of \$20,683 per year, to be paid from Building, Land Rental account. Reference: Library District minutes.

#### BOARD OF DIRECTORS

#### YAVAPAI COUNTY FREE LIBRARY DISTRICT

Minutes of Meeting

November 20, 2006

The Board of Supervisors resolved into the Board of Directors of the Yavapai County Free Library District.

Present: Thomas Thurman, Chairman; Chip Davis, Vice Chairman (via video-conference from his home in Clarkdale); Carol Springer, Member; Bev Staddon, Clerk.

Also present: Dave Hunt, Board Attorney/Assistant County Administrator.

The Board considered approval of a lease agreement between the Library District and Valley Oak Properties that will allow the District to remain in its current office space for three more years. Cost of \$20,683 per year, to be paid from Building, Land Rental account. Mr. Hunt said he made some suggested changes to the agreement and that the final agreement was not yet available. He asked that the Board approve the agreement subject to final legal review. Upon a motion by Director Davis, seconded by Director Springer, the Board voted unanimously to approve the agreement subject to final legal review.

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C – PUBLIC WORKS

- C16. Award or reject bids received for Contract for Recycling Services in the Verde Area for Yavapai County, Contract #2618029. Bids opened November 7, 2006, with bids received from the following vendors: Sedona Recycles, Inc.; and Southwest Waste Services, Inc. Recommend awarding to Sedona Recycles, Inc. at unit prices bid. To be paid from Solid Waste.
- C17. Award or reject bid received for Guardrail Construction at Various Locations in Yavapai County, AZ, Project #2616239. Bids opened November 7, 2006, with sole bid received from Arizona Highway Safety Specialists, Inc, in the amount of \$188,067.50. Recommend awarding to Arizona Highway Safety Specialists, Inc., in the amount of \$188,067.50 to be paid from HURF, Construction – Capital Improvement. Public Works Director Phil Bourdon participated in discussion. Approved by unanimous vote. Motion by Chairman Thurman, second by Supervisor Springer. No comments from the public.

C – SHERIFF

- C18. Permission to enter into an intergovernmental agreement with the Arizona Department of Public Safety to allow interagency participation in a common Public Safety Communication System.

C – YAVAPAI COUNTY WATER ADVISORY COMMITTEE

- C19. Approve FY 2007 Joint Funding Agreement with USGS for continued water resource investigation (numerical model development), in the amount of \$130,000 to be paid from WAC budget.

ACTION ITEMS

A – BOARD OF SUPERVISORS

- A1. Canvass results of General Election held on November 7, 2006. Lynne Constabile, Elections Director. Registrar of Voters Ruth Robinson participated in discussion of this item. Upon a motion by Supervisor Springer, seconded by Supervisor Davis, the Board voted unanimously to approve the canvass as presented. No comments from the public.

Ms. Constabile told the Board that Yavapai County had a 71.31% turnout for the General Election and that as of this date had the highest voter turnout in the state. She said that of the 103,000 registered voters in the County 54% had gone to polling places on election day while 46% voted early. Ms. Constabile said the only contested County race was for Seligman Justice of the Peace, and that incumbent Kathy Blaylock had won that race by 26 votes. She went on to explain reports that were included as part of the canvass, such as reports on ADA compliance, poll worker training, provisional ballots and voter education. Supervisor Springer said there were some complaints about mail ballots and she asked if Elections kept track of what comes back. She said that some people were concerned about ballots that were mailed but did not arrive on time. Ms. Robinson said the County had a very good working relationship with the Post Office and that on election day she probably received 25 ballots from the Post Office that were just mailed on that day. She said there were approximately 50 ballots that were received after the deadline. Supervisor Davis asked what percentage of early ballots were mailed in and how many early voters were walk-ins. Ms. Constabile said about 40% of early ballots were mailed in, with about 6% being cast by voters who were walk-ins.

- A1A. Discussion and possible action regarding Title 34 bidding process. Supervisor Chip Davis. Public Works Director Phil Bourdon participated in discussion of this item. Supervisor Davis moved to send a letter from the Board opposing the legislative amendments proposed by the Arizona Chapter Associated General Contractors. Chairman Thurman seconded

the motion, which carried by unanimous vote. No comments from the public.

Supervisor Davis said he was aware that Supervisor Springer had responded to a notice from the County Supervisors Association (CSA) regarding a legislative proposal from the Associated General Contractors (AGC), and that he thought the entire Board should respond. He said the proposal would hamper the County's ability to respond quickly to situations and to complete work for less money. He suggested changes to the proposal to increase the cap from the proposed \$100,000 to \$500,000 as well as some other changes. Supervisor Springer said she agreed that the proposal was Draconian and would not allow the County to respond in a timely manner to emergencies or even to constituents. She said every county in the state had rejected the proposal and the feeling was that the AGC had come up with an extreme proposal thinking they could negotiate and get something better than what they currently have. She said that CSA had determined to just reject the proposal. There was brief discussion about the current statutory requirements, during which Mr. Bourdon said the statutory amount began at \$150,000 but increased each year and that it was currently \$181,000. There was additional brief discussion regarding whether to request changes to the proposal, during which Supervisor Springer said she believed it would be a tactical error to negotiate with the AGC on this issue.

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A – EDUCATION SERVICE AGENCY (County School Superintendent)

A2. Consider accepting a U.S. Department of Education Grant in the amount of \$1,098,007 over a three-year period to offer Advanced Placement courses in five Yavapai County High Schools (Ash Fork, Camp Verde, Chino Valley, Mayer and Seligman). Tim Carter, County School Superintendent. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Springer. No comments from the public.

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 below reconvened as the Board of Supervisors.

A3. Award or reject bids received for Devils Kitchen Drive and Merry Go Round Rock Road Drainage Improvements, Village of Oak Creek, Yavapai County, AZ, Project #2516136 as proposed in Public Works agenda item, in the total amount of \$214,824.75 with \$132,000 to be paid by Flood Control (balance will be paid by Public Works, HURF). Bids opened November 7, 2006, with bids received from the following vendors: Atlantis Construction, \$214,824.75; Critco, Inc., \$270,996; SDB, Inc., \$339,244.50; and A. Miner Contracting, \$394,141. Recommend awarding to low bidder, Atlantis Construction. Ken Spedding, Development Services Director. Reference: Flood Control District minutes.

BOARD OF DIRECTORS

YAVAPAI COUNTY FLOOD CONTROL DISTRICT

Minutes of Meeting

November 20, 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 (via video-conference from his home in Clarkdale); Carol Springer, Member; Bev Staddon, Clerk.

Also present: Ken Spedding, Development Services Director; Phil Bourdon, Public Works Director.

Upon a motion by Director Davis, seconded by Director Springer, the Board voted unanimously to approve payment in the amount of \$18,000 to George H. Morin and Dorene M. Morin for a drainage easement associated with channel improvements to a private property as part of the Devils Kitchen Drive Drainage Improvements in the Village of Oak Creek, 405-28-168. To be paid from Construction in Progress account.

The Board considered awarding or rejecting bids received for Devils Kitchen Drive and Merry Go Round Rock Road Drainage Improvements, Village of Oak Creek, Yavapai County, AZ, Project #2516136 as proposed in Public Works agenda item, in the total amount of \$214,824.75 with \$132,000 to be paid by Flood Control (balance will be paid by Public Works, HURF). Bids opened November 7, 2006, with bids received from the following vendors: Atlantis Construction, \$214,824.75; Critco, Inc., \$270,996; SDB, Inc., \$339,244.50; and A. Miner Contracting, \$394,141. Recommend awarding to low bidder, Atlantis Construction. Mr. Spedding explained that this project was being coordinated with the Public Works Department. Director Davis asked if anyone had prior experience with the low bidder. Mr. Bourdon said no, but that the company was a fully bonded and licensed contractor and that he was comfortable that it would complete the job. Upon a motion by Director Davis, seconded by Director Springer, the Board voted

unanimously to award the bid to Atlantis Construction in the amount of \$214,824.75 as recommended by staff, with \$132,000 of that amount to be paid by the District.

#### A – MANAGEMENT INFORMATION SYSTEMS

- A4. Request for permission to proceed with replacing Jail Management software, in the amount of \$122,800 to be paid from the Technology Fund. Stephen Welsh, MIS Director. After brief discussion, during which Mr. Welsh confirmed he was also requesting execution of a contract at such time as it is ready, the Board voted unanimously to approve this item. Motion by Supervisor Davis, second by Supervisor Springer. No comments from the public.

#### A – PUBLIC WORKS

- A5. Award or reject bids received for the purchase and deliver of one 10-Wheel Dump Truck, contract #2618006. Bids opened November 7, 2006, with one bid received from Inland Kenworth. Recommend awarding to sole bidder Inland Kenworth in the amount of \$162,083 to be paid from HURF Equipment \$5,000+ and HURF Contingency. Phil Bourdon, Public Works Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Springer. No comments from the public.
- A6. Award or reject bids received for the purchase and delivery of one 3-Axle Trailer, contract #2618007. Bids opened November 7, 2006, with bids received from the following vendors: Southwest Reliance Trailer Sales, \$39,432.61; Empire, \$31,735.72; Fleming Trailer Sales, \$30,629.05; and Utility Trailer Sales, \$27,824.03. Recommend awarding to low bidder Utility Trailer Sales in the amount of \$28,257.73 (includes tax and options) to be paid from HURF Contingency. Phil Bourdon, Public Works Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Springer. No comments from the public.
- A7. Award or reject bids received for the purchase and delivery of one Water Truck, contract #2618008. Bids opened November 7, 2006, with one bid received from Inland Kenworth. Recommend awarding to sole bidder Inland Kenworth in the amount of \$175,725 to be paid from HURF Contingency. Phil Bourdon, Public Works Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Springer. No comments from the public.
- A8. Award or reject bids received for the purchase and delivery of one 32-Ton Lowboy Transport Trailer, contract #2618009. Bids opened November 7, 2006, with one bid received from Empire. Recommend awarding to sole bidder Empire in the amount of \$70,426.42 to be paid from HURF Contingency. Phil Bourdon, Public Works Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Springer. No comments from the public.
- A9. Award or reject bids received for Devils Kitchen Drive and Merry Go Round Rock Road Drainage Improvements, Village of Oak Creek, Yavapai County, AZ, Project #2516136. Bids opened November 7, 2006, with bids received from the following vendors: Atlantis Construction, \$214,824.75; Critco, Inc., \$270,996; SDB, Inc., \$339,244.50; and A. Miner Contracting, \$394,141. Recommend awarding to Atlantis Construction in the total amount of \$214,824.75 to be paid from HURF Contingency in the amount of \$82,824.75 (balance will be paid by the Yavapai County Flood Control District). Phil Bourdon, Public Works Director. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Springer. No comments from the public.
- A10. Discussion and possible action regarding approval of Authorization of Services #26-18033 in the amount not to exceed \$300,000 for DMJM-Harris to conduct a Project Assessment and Access Management Study for 13.6 miles along State Route 89 between the community of Congress and State Route 93 north of Wickenburg. Regional Road Fund. Phil Bourdon, Public Works Director. After Mr. Bourdon noted that 50% of the cost would be reimbursed by the Arizona Department of Transportation, the Board voted unanimously to approve this item Motion by Supervisor Davis, second by Supervisor Springer. No comments from the public.
- A11. Discussion and possible action regarding Change Order #1 with ARCADIS G&M, Inc., in the amount of \$31,600 for the State Route 89, Chino Valley to S.R. 89A Phase 2, Project Assessment. To be paid from Regional Road Fund. Phil Bourdon, Public Works Director. Approved by unanimous vote. Motion by Supervisor Springer, second by Supervisor Davis. No comments from the public.

#### A – SHERIFF

- A12. Request for permission to add new position of Telecommunications Specialist to the Sheriff's Office, at a cost of \$29,112 for the remainder of the current fiscal year to be paid from salary savings and Technology Fund. Scott Mascher, Commander. Public Works Director Phil Bourdon participated in discussion. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Springer. No comments from the public..

Commander Mascher said that if this position was approved he would be able to eliminate a \$44,000 per year contract and that he believed being able to drop that contract would pay for the position. He noted that the position would provide for in-house repair and maintenance of communications equipment. Supervisor Davis asked where the person would set up shop, saying that there used to be someone in Public Works who took care of radio equipment for that department and asking whether something could be worked out for the Sheriff's position to work out of Public Works. Mr. Bourdon said he would get together with Commander Mascher and see what could be worked out.

HEARINGS

H – PUBLIC WORKS

H1. Resolution to abandon the cul-de-sac Maricopa Pass in Indian Hills No. 2, Lake Montezuma area, and require applicant to complete the abandonment process within 120 days of Board approval or approval shall be null and void. Phil Bourdon, Public Works Director. Resolution No. 1630 was approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Springer. No comments from the public.

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

H2. Use permit to allow for the construction and operation of a Water Reclamation Facility, Indian Lakes 1 Water Reclamation Facility, 405-38-362, Beaver Creek area, Shephard Wesnitzer/Jim Binick agent for Red Rock Development, LLC, #H6135. Enalo Lockard, Assistant Development Services Director. Consideration of a Use Permit for a one acre portion of Tract 'Q', a 1.87 tract in the Indian Lakes 1 subdivision to allow for the construction and operation of a Water Reclamation Facility. Located at the southwest corner of the intersection of Coronado Trail and Bill Williams Dr. in the Beaver Creek Community. S11 T14N R05E G&SRB&M. The Planning and Zoning Commission recommended approval of the use permit with the following Stipulations: 1). Property be developed in accordance to the Letter of Intent and Site Plan dated received August 29, 2006 and Amended Letter of Intent dated received October 3, 2006 and in accordance with all county, state and federal regulations; 2). That the Use Permit be granted on a permanent, transferable basis; 3). Screening requirement per Section 567 be waived. Planner Elizabeth Escobar presented this item on behalf of Mr. Lockard, who was ill. Deputy County Attorney Randy Schurr participated in discussion. Connie Dedrick of Shephard Wesnitzer, Dwight Zemp of Santec Corporation, and applicant's geologist Chris Catalano participated answered questions from the Board. The following persons spoke in opposition to the application, generally citing concerns about the location of the wastewater treatment facility and negative effects on adjacent property values, where effluent would be discharged, and the potential for pollution of the aquifer: Jerry Lane, Dale Graves, Betty Hart, Bill Brann, Susan Rogers, Bob Shaw, Richard Trask, and James Bennett. Jerome Vice Mayor and Yavapai County Water Advisory Committee member Jane Moore spoke briefly about persistent chemicals in wastewater, direct injection wells and the WAC's desire to be able to monitor facilities such as the one being proposed. Upon a motion by Supervisor Davis, seconded by Chairman Thurman, the Board voted unanimously to deny this application.

Ms. Escobar said that the water reclamation facility would collect wastewater for the subdivision and discharge it into an underground well. She noted that the plat for the subdivision was recorded in 1967 for 345 single-family lots and that 238 of those lots were owned by Red Rock Development; and that the developer was planning to form a water district. Ms. Escobar told the Board that written objections to the application had been received from six property owners with letters of support having been received from four property owners. She said the Beaver Creek Concerned Citizens had registered opposition to the application, and that the Lake Montezuma Property Owners Association had asked questions about the application but had not registered either support or opposition. She said that of the 35 parcels located within 300 feet of the proposed facility, 19 were owned by the applicant. Ms. Escobar said that similar facilities had been previously approved for the Bella Terra, Cross Creek Ranch and Verde Santa Fe subdivisions and that the facility was an alternative to 240 individual septic systems. She added that existing residents in the area would have an opportunity to connect to the system. Mr. Binick noted that since the subdivision was platted in 1967 the applicant was not requesting a zoning change but trying to work with the existing zoning. He said that if necessary the project could be developed with septic tanks or alternate septic systems. Mr. Binick said the developer would be paying the cost of the sewer system and also to put in a central water system, and that the plan was to use a gravity sewer system to the greatest extent possible and that this was the reason for having the facility located on a downhill lot. He said the facility would be large enough to serve the entire Indian Lakes area and that it would be possible to expand the facility three-fold in the future. Mr. Binick said that Red Rock Development did not plan to own the facility but instead planned to transfer ownership to a private utility company. He said the plant would be an underground facility with one building to house mechanics, that it would be screened with a wrought-iron fence and vegetation, and that there would be no noise or odor problem. In response to questions from Chairman Thurman, Mr. Zemp said he anticipated the monthly cost of sewer service would be \$40 with a connection fee of about \$750, but that this would be determined by the Arizona Corporation Commission. Supervisor Davis said this was a good example of speculative zoning; he said the subdivision was approved in 1967 and here it was 40 years later and the Board had very little opportunity to require the kind of stipulations that it would ordinarily require. He asked how far the Board could deviate from the wastewater issue in terms of getting the developer to participate in off-site improvements such as an access road. Mr. Schurr said he would have to listen to the Board's specific proposals, but that if the applicant did not

receive approval on this day he could still go ahead and develop the property without providing additional access. Supervisor Davis said that in today's terms the lots in the subdivision probably did not meet setback requirements, among other things. He said he hoped the public would understand that there was not much the Board could do in this case, and that one of his biggest issues was with regard to access because there was only one ingress and egress for Lake Montezuma. He said the impact of the development would be significant to the community and that he would like to see the developer participate financially in a secondary access. There was brief discussion about a waiver of screening requirements, during which Ms. Escobar said she believed the Commission felt the screening proposed by the applicant – arbors and landscaping – was better than a solid wall around the building. There was brief discussion regarding the treatment level of effluent being discharged into the ground as opposed to effluent being discharged to surface water. Mr. Catalano said that ADEQ's standard for discharge into the ground was that the effluent be of drinking water quality, but he acknowledged that the criteria for surface discharge was somewhat more stringent than that for discharge into the ground. He said he believed this was due to the fact that surface discharge is more immediate than discharge into the ground. Chairman Thurman asked if that meant that discharge into the ground meant it was "toilet to tap." Mr. Catalano said no, that it was toilet to treatment facility to recharge to the aquifer, and that it was much better than a septic system. Chairman Thurman asked if people wanted a bunch of septic tanks or something that might be a little better. Mr. Catalano said this was not a new idea and that there were numerous recharge wells in the state, particular in Active Management Areas. In response to a question from Chairman Thurman regarding hormones and antibiotics in recharged water, Mr. Catalano said studies were being done on that issue. Supervisor Davis said he hoped everyone would understand that in this case the Board had no control over zoning and density. He said if this was a proposed subdivision coming to the Board for the first time he did not believe the Board would allow the density that currently exists, but that in this case the Board would have to do the best it could. Supervisor Davis said the main issue had been water quality and that this was something the Board had no say in, and that it was up to ADEQ. He said the other regulatory agencies that would address most everything the Board had heard on this day were the Arizona Corporation Commission and the Arizona Department of Water Resources. He said the only thing the Board could look at was whether the subject parcel was an appropriate place for the plant. Supervisor Davis said the applicant needed a wastewater treatment plant or he would not be able to develop all of the lots, and that there were property owners adjacent to the proposed plant who had concerns about the impact to their properties. He said he thought the solution would be to move the wastewater treatment plant onto a different piece of property that would not impact certain property owners. Chairman Thurman asked Ms. McClelland if there had been this much controversy at the Commission's hearing on this application. Ms. McClelland said yes, and that the treatment plant as presented by the applicant looked rather nice. She said the Commission had to leave a great deal up to ADEQ because the Commission did not control such issues, and that the Board did not have control over wastewater issues either. She said that no one had made a specific suggestion that the plant be moved to a different property, adding that if the system could not utilize gravity flow it would have to use lift stations and that they were very smelly when they broke down. Supervisor Davis said this was a tough one, and that the Board had inherited it. He said he thought the best the Board could do would be to not impact the people who would not receive a benefit from the plant. He suggested sending the matter back to the Commission to see if the applicant could put it on a different parcel. Mr. Schurr said that would be a problem because it would require a new application for a new location and that it would have to be readvertised. He said there really was no way to refer it back to the Commission. Ms. Escobar said the application was specific to Tract Q and that she believed the Board would have to act on the application.

H3. General Plan Amendment (minor), Verde Valley Regional Land Use Plan, #H6071. Enalo Lockard, Assistant Development Services Director. The Planning & Zoning Commission approved this application on September 20, 2006. On October 16, 2006, the Board of Supervisors held this item in abeyance for 30 days to allow staff to obtain additional input from the Yavapai-Apache Nation and clarify input from the Town of Camp Verde. Consideration of an amendment (minor by definition) to the Yavapai County General Plan to be called the Verde Valley Regional Land Use Plan. This amendment is to set out regional goals in cooperation with the five incorporated communities and other various Verde Valley entities regarding Open Space/Land Use, Transportation, Affordable Housing and Non-private Lands (Federal & State held) for the unincorporated areas in the eastern portion of Yavapai County which encompass roughly 714 square miles. The Planning and Zoning Commission recommended the approval of the General Plan Amendment (minor). Development Services Director Ken Spedding presented this item on behalf of Mr. Lockard, who was ill. Following very brief discussion, Supervisor Davis moved to approve the application but to delete references to a regional mall and a regional airport. Supervisor Springer seconded the motion, which carried by unanimous vote. No comments from the public.

## STUDY SESSIONS



## S –BOARD OF SUPERVISORS

S1. Discuss County capital improvement needs in the Verde Valley. Supervisor Chip Davis.

Supervisor Davis said the Board had been grappling with the capital improvements program and that it had paused the improvements to the Verde Valley justice facility two years ago and that he wanted to ask if at least the study on those facilities could be completed so things could move forward in terms of looking at improvements for the justice court, superior courts, County Attorney, and other offices. He said he was not proposing anything other than just good business, saying there was a 640-bed jail and there should be court facilities to accommodate it. Supervisor Davis said a great deal of money was being spent on transporting prisoners, and that he believed Presiding Judge of Superior Court Robert Brutinel had said that if the Board could provide him with more facilities he could provide more services. He said he believed this would be good for the County as a whole. Chairman Thurman said one-third of the crime occurred in the Verde and that the County had a big jail in the Verde and that if one-third of the crime was happening in the Verde then one-third of the business needed to be done in the Verde. He said that if more judges were needed, he thought the ones who were hired should understand that they would be working out of the Verde. Chairman Thurman said he knew there were things that needed to be done in the Verde but that part of that would depend upon how much it would cost to do improvements on the Prescott side. He said the Verde had the land and the sewer system and that it would be pretty easy to accomplish improvements and that he agreed that more buildings were needed on the Verde side but that the Board would have to be careful that it did not spend so much money in the Verde as to stifle what it needs to spend on the Prescott side. Supervisor Davis said he thought that the 640 beds would eventually be needed just for the Verde and that he supported what needed to be done to serve the western side of the County. He said he would like to see the Board start accomplishing things in terms of capital improvements. Chairman Thurman said it would take a great deal of money to do everything, and that if the Board needed to borrow \$80 million or \$100 million people would need to understand that the amount would include paying for improvements in the Verde. Supervisor Springer said that since she and Chairman Thurman had been on the Board most of the capital improvements had been done in the Verde Valley. She said her concern was that Supervisor Davis had not supported a revenue bonding proposal but had said he would rather make improvements on a "pay as you go" basis. She said she supported revenue bonding because of the increasing cost of construction and that she believed it would be a better deal for the taxpayers. Supervisor Springer said she agreed with Chairman Thurman that it did not make sense, given Supervisor Davis' past position, that the Board build first in the Verde. She said there was no question that the needs in the Prescott area were the most pressing, and that she would like to postpone this discussion for a couple of months until the Board could zero in on what it is going to do on the Prescott side. She said she also agreed with Chairman Thurman that once the Board decides what it is going to build and where it will go the improvements in the Verde could move forward more quickly. Chairman Thurman said that he if the Board had a problem acquiring property in the Prescott area the Verde could end up with more improvements because it already had the "NIMBY" situation taken care of. Supervisor Davis said he did not think this discussion could be postponed any longer because the Board had made no progress in two years and the demands were just getting bigger. He said he could understand that the Verde could end up with more improvements, and that he could see how the other two members might think that he would renege on his vow to support the western side of the County, but that he hoped they would trust him that he would commit to looking at all the options the Board needs to look at to accomplish its goals for the entire County. Supervisor Davis said he was against any more stalling, and he vowed that he would be there 110% for the needs on the western side of the County and that if it was good sense and good business he would be 110% behind it, but that he would have to see what was being proposed. He said if it was good for Yavapai County he would do whatever needed to be done and that he had an open mind on revenue bonding as long as the Board could show a plan. Chairman Thurman said the problem was that it would have the appearance that the Board was using borrowed money on the Prescott side to make improvements while using cash on the Verde side. He said the Board was having a problem trying to locate property in the Prescott area and that it was working on something now and should know something soon. Supervisor Davis apologized, saying he had not thought about how the indebtedness factor would look for Chairman Thurman and Supervisor Springer. He said there was no doubt the Board would make progress in the Prescott area but that was no value to not making progress with some of the things he had mentioned because there were things the Board could do something about right now. Supervisor Springer said that when she made the same argument in Prescott, Supervisor Davis' response was that the Board should just do one thing at a time and pay as it goes. She said she did not now that Supervisor Davis had really changed his mind and that she was not willing to move forward with improvements in the Verde until the Board had a capital improvements program that all three Supervisors could agree on. Supervisor Davis said everything that comes forward would still require two votes, and that

this was just business and the Board had to continue doing business. He said he was suggesting that improvements in the Verde be sized to accommodate the jail that already exists, and that he was not suggesting going overboard on improvements. Chairman Thurman said he would like a couple of months to try to find a piece of property in the Prescott area and that if the Board failed in that it could get going in the Verde immediately. Supervisor Davis said if the Durrant needs assessment study could be reinstated perhaps that could come back to the Board by February so the Board would have an idea of what the costs of improvements would be in the Verde. Brief discussion ensued regarding the Durrant needs assessment, during which Mr. Holst said because it had been two years it would need to be reviewed but that he would want to sit down with Durrant and find out where they are in terms of interest for continuing forward with this issue. He said he could bring it back as a proposal. Supervisor Springer said she had no problem getting an update on the needs assessment because the architect firm the Board had hired (Dick & Fritsche) had concerns about the needs assessment done by the other firm (Durrant). Mr. Holst noted that on the Prescott side the Board had only gotten through the first phase of the needs assessment.

S2. Discuss having two Board members designated to authorize expenditures during emergencies. Chairman Thomas Thurman.

There was brief discussion about the value of having either the District 1 or District 2 Supervisor make decisions for the western side of the County, with the District 3 Supervisor making decisions for the Verde Valley. Mr. Hunt said he thought the Board would need some kind of back-up system and that it might establish some simple protocol for that. He said he would draft something. Supervisor Springer said it seemed like the Chairman could delegate authority to another Supervisor.

S – DEVELOPMENT SERVICES

S3. Discuss utilizing one County-wide Board of Adjustment and Appeals versus the current practice of having three separate Boards with one Board representing each County Supervisor District. Ken Spedding, Development Services Director. Deputy County Attorney Randy Schurr, Land Use Unit Manager Steven Mauk, and Land Use Specialist Boyce MacDonald participated in discussion of this item.

Mr. Spedding said the County currently has three Boards of Adjustment and Appeals (BOA), one for each Supervisor District and that each board had five members. He said the County had the option of having just one BOA, and that doing so could reduce workloads for staff and result in more consistency in terms of BOA decisions. He said there are not that many BOA meetings and that sometimes there is a problem getting a quorum, which results in an applicant being put off for yet another month. In response to a question from Chairman Thurman, Mr. Mauk said some of the issues dealing with three BOAs had to do with interpretive decisions and whether the decision of one BOA applies to the entire County or just to that Supervisor District. He reiterated that there were problems getting a quorum and that from a management standpoint training and maintaining 15 members was difficult. There was brief discussion about whether one BOA should have three or five members. There appeared to be general agreement for one BOA, and Mr. Schurr said staff could work out details related to three members and alternates, as was suggested by Supervisor Davis.

CLAIMS AGAINST YAVAPAI COUNTY

<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	2,371,272.75	Forest Projects	-\$7.56
Jail District	628,220.99	Hazmat Equip Frant	3,334.11
WMD Planner	2,864.35	HS 2004	5,710.41
Az Esa Prof Dev Prog.	1,475.22	Improve of Education	1,032.20
Enhance Ed thru Tech	2,594.34	Math & Science Ptnr	692.43
Adult Prob Fees over 40	1,350.07	Dewey Humboldt Agree	8,193.11
Sexuality Education	1,479.62	Public Health Reserve	11,281.73
Environmental Health	15,413.73	Susan Komen Breast H	498.74
Resep Radiation Exp.	335.37	Comm. Health Center	17,431.44
AMPPHI	1,675.85	Family Planning	5,359.59
MCH Programs	379.05	Breast Feed. Couns.	4,657.69
Physical Activity	3,226.66	Cost Allocation	2,053.10
Nutrition	1,626.79	TB Control	795.78
WIC Program	17,354.94	Title X Family Plann.	2,520.55

Jail Enhancement	284.80	Juvenile Delinq. Reduct	13,481.73
Juvenile IPS	18,457.68	Family Counseling	2,805.00
Juvenile Food Prog	2,105.57	Probation Serv	4,311.36
Adult IPS	40,360.24	Adult Probation Fees	12,715.48
Prob Enhance	52,827.12	Recorder's Surcharge	4,436.94
Indigent Def/Dg	2,740.87	Misc Small Grants	785.71
Crim Just/Atty	5,682.60	Bad Check Prog	3,087.12
Juv Prob Svs	3,690.70	Commodity Food	449.85
Hi Risk Chld HI	8,778.47	Clerk's Storage	1,476.05
HIV Counsel & Test	68.18	Atty Anti-Racket	65,079.53
PANT	8,203.90	Law Library	2,830.86
CASA	3,664.34	Case Processing	6,451.61
Prim. Care – V.V.	1,711.47	Victim Witness Prog	9,288.38
Court Enhancement	500.00	Conciliations Court	796.25
Enhance Drug Court	4,501.52	Inmate Health Svs	1,615.95
Drug Enforce. Fund	6,994.93	Probate Fund	1,159.98
Primary Care Services	14,817.43	PC Fees VV	382.29
Local ADR	750.00	FTG Indigent Defense	3,492.65
Victims Rights Impl	3,492.65	Victims Rights Program	1,602.16
Yavapai Indian Agree	2,149.02	Dietetic Intern	307.67
Immuniz Service	2,351.31	Personal Care Svs	4,463.84
Idea-Preschool	1,302.23	Public Defender Train	804.00
Subs Abuse/DARE	316.12	Chem Abuse	237.11
Family Drug Court	1,111.88	Juv Det/PACE	3,418.29
Special Program	22,108.17	Sm Schools ECIA	296.89
Sm Schools BEHA	16,283.49	FTG Local Court	14,575.36
Hurf Road Funds	922,850.20	Assessor Surcharge	11,839.06
Health Fund	124,646.15	Jail Commissary	8,628.81
Judge Pro Tem Div B	10,851.09	Water Advisory Comm.	3,320.50
Tire Recycle	16,714.89	Safe School Pro	7,269.43
Service Coordinator	932.71	Local Incentive Awards	3,258.93
Fill the Gap – Attorney	10,098.29	Family Law Commiss.	9,544.12
Comm Punish Pro	10,526.08	Adult Drug Court	3,006.01
Juven. Detent Ed Pro	1,716.62	Regnl Road Project	67,511.13
Contributions SO	640.00	Library Auto Consor	1,332.91
Sterilization Services	500.00	Health Start	3,883.50
Victim Compens. ACJC	505.45	Interstate Compact Pr.	1,199.25
Ryan White II	3,425.49	Prepared. Bioterror	27,157.87
PC Fees W. Yav.	63,743.10	Perinatal Block	2,350.66
Well Woman Health	4,704.08	Tobacco Educ	10,865.90
Victim Assist. ACJC	355.15	St Implement Grant	199.95
Tribe Donations	1,999.73	School Reso. – Mayer	1,029.13
St Grant in Aid	374.22	Drug Treat Ed	10,505.14
Mental HealthRWJF	299.68	Mental Health Part.	313.30
Field Trainer	2,538.82	Attendant Care	25,333.03
HIV WYGC	12.03	Childrens Justice	1,097.33
Child Sup & Vis	976.85	Juv Delq Case Proc.	862.64
Self Service	862.02	VOCA	9,909.27
JTSF Treatment	5,035.81	Diversion Conseq.	703.99
Capital Projects	10,502.25	Seligman Runway Airp	1,355.00
ALTCS	2,049,355.89		

In addition, payroll was issued on November 9 for the pay period ending November 4; warrant numbers 2465760 through 2466115, in the amount of \$303,066.77. Jury certificates issued during this time; 6879782 through 6880104. Warrants issued for November 20 Board day, 4276430 through 4276857; 4276858 through 4277267.

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

ATTEST:

\_\_\_\_\_ Clerk \_\_\_\_\_ Chairman