

**MOHAVE COUNTY BOARD OF SUPERVISORS
MOHAVE COUNTY, KINGMAN, ARIZONA
REGULAR MEETING – AUGUST 17, 2009**

The Board of Supervisors of Mohave County met in Regular Session this 17th day of August, 2009, at 9:30 A.M, at 700 W. Beale Street, Kingman, Arizona, in the BOS Auditorium. In attendance were Tom Sockwell, Chairman; Gary Watson, Supervisor District 1; Buster D. Johnson, Supervisor District 3, via telephone; Ron Walker, Mohave County Manager; William J. Ekstrom, Jr., Special Deputy County Attorney; and Barbara Bracken, Clerk of the Board.

The meeting was called to order by Chairman Sockwell. The invocation was given by Supervisor Watson, followed by the Pledge of Allegiance led by Clerk Bracken.

The following Mohave County Elected Officials and Department Heads addressed specific items as noted: Patty Mead, Public Health Director; Nick Hont, Development Services Director; Steve Latoski, Public Works Director; John Timko, Deputy County Manager – Management Services; Karl Taylor, Planning Manager; and Halikae Hiser, Building Technician.

Motion was made by Supervisor Watson, seconded by Supervisor Johnson, and unanimously carried to call for an Executive Session to be held September 8, 2009, at 9:00 A.M., for discussion and consultation with legal counsel in accordance with A.R.S. 38-431.03 (A) (3) & (4) to discuss items noticed on the agenda with an asterisk.

ITEM 1: Pending or Contemplated Litigation, Claims, and Demands: No Executive Session was held.

ITEM 2: Committee and/or Legislative Report: Supervisor Johnson advised that he attended the National Association of Counties meeting, and the race for 2nd Vice President came down to one person, Lenny Eliasan from Ohio; therefore, there was no need for him to cast the County vote. He advised that economic recovery was the primary focus of the conference, and included three concurrent sessions on the American Recovery and Reinvestment Act (ARRA). He stated that the sessions addressed a variety of issues, including employment, infrastructure, and development. He stated that another major topic was NACo's ongoing "Restore the Partnership" campaign, which aims to restore the federal/county partnership. He advised that in the Public Land Steering Committee, of note, were officials from the Obama Administration giving some indication of management direction from the Department of Interior and Agriculture for the coming 3-1/2 years, and discussions on resolution of direct interest to us on Payment in Lieu of Taxes. He advised that the Clean Water Act amendments, and conflicts between the Public Land Steering Committee (PLSC) and the Environment, Energy and Land Use (EELU) Steering Committee were discussed. He stated that there was the constant tugging and pulling regarding the uranium claims in the Arizona Strip, with PLSC and EELU taking different positions. He advised that the Clean Water Act amendments and change of the definition in the law to waters of the U.S. from navigable waters of the U.S., drew considerable interest and discussion. He stated that the PLSC adopted a resolution in opposition, and the WIR Board unanimously opposed the changes. He stated that it is expected that the EELU Steering Committee will support the broadened definition and the Clean Water for All Act in its entirety, and that the full

NACo Board will have to resolve the issues as to a local government position. He advised that the Environment, Energy and Land Use Steering Committee got a little heated regarding the mining resolution; however, it was adopted. He advised that he brought back information for various County departments, which he distributed to them, such as expanded usage of credit cards for payments, GIS, and planning ideas.

Chairman Sockwell advised that he attended a meeting with some Colorado Regional River Sewer Coalition members, and Benjamin Grumbles, the new director of the Arizona Department of Environmental Quality, and some civic leaders. He advised that it was announced that the United States Representative for Arizona Seventh District has introduced federal legislation (HR 3481, Colorado River Protection Act), which, if passed into law, will provide federal funds to help offset the cost of projects needed to protect the quality of the Colorado River. He advised that this is a result of several years work by CRRSCo, and the lobbyist in Washington. He advised that he attended a water law conference, which provided valuable information.

ITEM 3: County Manager's Report: County Manager Walker advised that Director Mead would be giving a brief presentation regarding the swine flu.

Director Mead presented a slide show with facts and statistics regarding the swine flu, advising that it is in all fifty states. She advised that when it hits, it hits hard, and stressed that people who think they are ill should stay home. She advised that people should stay home until their symptoms have subsided for 24 hours, or they have been off of fever reducing medication for 24 hours.

Manager Walker thanked the Public Health staff for all they do.

ITEM 4: Approval of Meeting Minutes: No Meeting Minutes were ready for approval.

PRESENTATION: Chief Probation Officer Friend Walker accepted a plaque on behalf of Valerie L. Reiser, Probation Services Assistant, in recognition of 31 years of dedicated service to Mohave County.

Motion was made by Chairman Sockwell, seconded by Supervisor Watson, and unanimously carried to approve the Consent Agenda, as follows:

5. Adoption of BOS Resolution No. 2009-210 - Subdivision Final Plat and Acceptance of As-Built Improvements for Mohave Landing, Tract 4213-A, being a proposed subdivision of a portion of the N 1/2 of Section 23, Township 18 North, Range 22 West, in the South Mohave Valley area, Mohave County, Arizona.
6. Adoption of BOS Resolution No. 2009-211 - Subdivision Final Plat for Everglades Estates, Tract 4214-A, being a proposed subdivision of a portion of the W ½ NW ¼ of Section 36, Township 19 North, Range 22 West, in the South Mohave Valley area, Mohave County, Arizona .

7. Set a public hearing for September 8, 2009, to consider the placement of a lien for a dangerous building abatement in the amount of \$4,550.60, in accordance with Section 110 of the International Property Maintenance Code, against Lot 49, Block 41, New Kingman Addition, Unit 5, Township 22 North, Range 16 West, Sections 27 and 28. Assessor's Parcel Number 324-03-554, also known as 3865 E. Northfield Ave, Kingman, Arizona. The owners of record are Nathan R. and Sarah Nobles.
8. Approve a temporary Extension of Premises/Patio Permit for the Fraternal Order of Eagles, 4536 Patsy, Kingman, Arizona, for October 3, 2009.
9. Approve the appointment of the following Republican Precinct Committeeman: Kenneth R. Lackey, Bullhead City (39), as requested by the Mohave County Republican Central Committee.
10. Approve the appointment of the following Democratic Precinct Committeemen: Elaine Holsinger and Robert Holsinger, Golden Valley (10); Aleta Jo Tyra, Beale (18); Susan M. Janke, Fairgrounds (38); Joan H. Johns, Mountain View (51); Marilyn Glancy, Broadway (58); and Josephine R. Deal, Long Mountain (66); as requested by the Mohave County Democratic Central Committee.
11. Authorizing the sale at public auction, including internet auction, of miscellaneous property; and authorize County staff to sign all necessary and convenient documents on behalf of the County as a part of conducting the auctions and completing the sales. All proceeds from the sales, less pro-rated selling expenses, will be deposited into the County's General Fund or back into the fund they were purchased with.
12. Approve the Monthly Report for Procurement Activity between \$10,000 and \$35,000.
13. Approve Amendment No. 2 to Contract No. 07-B-19, Asphalt Cold Patching Material, with Copperstate Pavement Products, extending the current Contract for an additional one year period from September 17, 2009 through September 16, 2010, on behalf of the Public Works Department – Roads Division.
14. Approve Amendment No. 2 to Contract No. 08-P-05, with Compass Group North America, for Adult and Juvenile Inmate Food Services, incorporating the revised USDA Language required by the Arizona Department of Education Health and Nutrition Services.
15. Approve Amendment No. 7 to Contract 05-P-11, Armored Car Services, with Loomis, Fargo & Company, extending the current contract for 120 days to allow for evaluation of RFP No. 09-P-12, Countywide Armored Car Services, to be concluded and an award recommendation present to the Board of Supervisors in November for approval. All other terms and condition of the current contract shall remain the same.

16. Approve Amendment No. 1 to Contract No. 09-P-09, Countywide Security Guard Services, formally recognizing a change in vendor name to Andrews International (formerly dba Garda Security, Inc.).
17. Approve sole source maintenance agreement with Frontier Communications for the County's phone and voicemail systems for County offices Countywide, in the amount of \$52,229.59, from July 1, 2009 through June 30, 2010.
18. Approve moving the polling location for Precinct 10 (Golden Valley) from the Golden Paradise Land Owners Hall, 5505 W. Hwy 68, Golden Valley, to the Golden Valley Assembly of God, 3355 N. Magma Road, Golden Valley, to bring the polling location into the boundaries of the voting precinct.
19. Approval of Contract Amendment No. 1 to Contract No. DE09120800, the Intergovernmental Agreement between the State of Arizona Department of Economic Security and Mohave County for the American Recovery and Reinvestment Act (ARRA) funds for PY08 Workforce Investment Act Youth, Adult and Dislocated Workers, reducing the Contract Ceiling by \$589,579 from \$1,603,121 to \$1,013,542, transferring 70% of Dislocated Worker and 100% of Rapid Response funds to Gila County REPAC; approval of this fund transfer based on the Consortium Agreement and recommendation by the Mohave La/Paz Local Workforce Investment Board; and noting the budget revisions to funds 88189467 (PY08 Dislocated Worker Admin), 88189468 (PY08 Dislocated Worker Program) and 88189469 (PY08 Rapid Response) previously submitted to Mohave County Finance Department.
20. Acceptance of the donations from business sectors, government, private individuals and non-profit agencies for the COYOTE (COalition YOUTH TEam) YOUTH SUMMER PROGRAM 2009; and authorization of the Chairman of the Board of Supervisors to sign letters to these sectors acknowledging their valuable contributions to Mohave County's Workforce Development Program.
21. Approve agreement between Arizona State Parks - Law Enforcement and Boating Safety Fund and Mohave County, for the period of July 1, 2009 through June 30, 2010, for waterways related expenses and enforcement; accept a grant in the amount of \$597,417.55 and adjust budget 81323901 to reflect the monies received.
22. Approve the re-appointments of Eddy Odle (term to expire May 2, 2011) and Bart Wagner (term to expire August 20, 2011) to the Mohave County Extension Advisory Board.
23. Approve appointment of Dr. L. Barlow to the Mohave County Board of Health, as the physician member, in accordance with Service Agreement 09-SF-05, term to expire March 24, 2013.
24. Approve a Memorandum of Understanding between Mohave County and the Lake Havasu Senior Center Inc., Board of Directors recognizing that improvements funded by

LHSC Inc., for the construction of a seven bay semi-cantilevered canopy at the Lake Havasu Senior Nutrition Center will become and remain the property of Mohave County.

25. Approve Contract Amendment #2, for Contract #HG861140, Commodity Supplemental Food Program Certification, between Arizona Department of Health Services and Mohave County Department of Public Health (Nutrition Division), replacing/adding to provisions and replacing the price sheet in Amendment #1, with the revised price sheet in amendment #2, and decreasing the total contract ceiling by \$258, from \$12,900 to \$12,642, for the period of October 1, 2009 through September 30, 2010, (budget 23345150).
26. Set a Public Hearing to be held on September 8, 2009 for the acceptance of the streets constructed within North Point Subdivision, Tract 3073-A, into the Mohave County Road Maintenance System for maintenance as a pave surfaced road to the degree of improvement at which it is accepted.
27. Approve and authorize Steven Latoski, P.E., P.T.O.E., Director of Mohave County Public Works, to have interim signature authority, on behalf of the Board of Supervisors, to sign the application for additional right-of-way of 150 feet on the northerly side of the Grace Neal Parkway, from the Arizona State Land Department, for construction of a roadway and drainage channel in Section 20, Township 22 North, Range 16 West. The permanent earthen channel requires the additional right-of-way.
28. Approve and authorize the Chairman of the Board of Supervisors to sign both the Application for Assignment and consent form from Louis A. Carhart, Dolan Springs, to Mohave County of a right-of-way grant being the south 42 feet of Section 16, and the north 42 feet of Section 22, Township 25 North, Range 19 West, G&SRM, and additional widths from 5', 20', and 40' for drainage purposes. The grant is known as West Fifth Street from North Cedar Road to North Havasu Road, and being east of Pierce Ferry Road at Gateway Acres, Tract 1- and Lake Mohave Ranchos, Unit 2.
29. Approve application submittal and payment of an Arizona Department of Environmental Quality \$1,500 plan review fee, using Development Services Building Project contingency funds in connection with an Individual Reclaimed Water Permit application for the Development Services Building Project.
30. Approve Change Order No. 5 to Hardy Construction, Inc., Contract No. 08-B-17, for additional Development Services Building Project changes beyond the contract scope of services, and to compensate Hardy in the amount of \$63,122.32 for the expense of such changes with Development Services Building Project contingency funds.
31. Approve Change Order No. 1 to Selberg Associates, Inc., (SAI), Contract No. 07-PS-19, for additional Development Services Building Architectural Design beyond the contract scope of services, and to compensate SAI in the amount of \$26,000.00 for the expense of such additional services with Development Services Building Project contingency funds.

32. Approve Change Order No. 1 to Western Technologies Inc., (WT), Contract No. 09-PS-04, for additional Development Services Building Project testing beyond the contract scope of services, and to compensate WT in the amount of \$3,200.00 for the expense of such testing with Development Services Building Project contingency funds.
33. Approve receiving FY09-10 State Fill The Gap Funds in the amount of \$65,000, State Fill The Gap carryover funds in the amount of \$19,503, and Local Fill The Gap Funds in the amount of \$435,509 for the Mohave County Superior Court; funds will be used to pay for contract security guards, freelance court reporters, telephones, office supplies, travel, four courtroom clerks, criminal fines & restitution collections clerk, court commissioner, judicial assistant, and a portion of the salary and ERE for the field trainer.
34. Approve FY09-10 Traffic Case Processing Funds (TCPF) in the amount of \$25,000, for Mohave County Superior Court; funds will be used to pay for a portion of the AZTEC Field Trainer's salary and ERE. The funds were included in the FY10 Budget 217012901.

ITEM 35: Chairman Sockwell opened the Public Hearing regarding the adoption of BOS Resolution No. 2009-209 - Adoption of Ordinance No. 2009-04 amending Ordinance No. 2009-02 updating the Mohave County Building Ordinance Section 3, Applicability and the "Fees" Section of Ordinance No. 2009-02 implementing Building Amnesty Permit Fees to administer the Building Amnesty Permit Program in the unincorporated areas of Mohave County.

Director Hont advised that when the County got rid of the overlay zones and adopted the building code on September 1, 2007, a four month grace period was provided for structures that did not have proper zoning permits. He advised that during the grace period, the person had to get a zoning permit; no building permit. He stated that many owners and builders missed the four month grace period. He advised that when someone comes in to obtain a permit for an addition or a swimming pool, and they are not in compliance, standard procedure is to assess a penalty. He stated that, typically, they are charged for the zoning permit that should have been obtained, which is approximately \$200, and in addition, a building permit fee is assessed. He advised that for a 2,100 square foot house the cost would be approximately \$2,100, and for a 2,500 square foot house the cost would be approximately \$3,000. He stated that, with the current economic times, the homeowners have difficulty paying the fees, and many decide not to pay them at all. He advised that what is proposed today is to give people the opportunity to comply, with the charges being for time and material spent by the building inspectors, instead of the regular fees. He advised that they will still have to get the zoning permit, which is \$200, as well as obtain septic and floodplain permits.

Supervisor Johnson stated that he has a problem with this, because there was quite a bit of debate when the previous Board Members tried to bring everyone into compliance. He stated that an extension was approved, which was another heated debate among the Board Members. He stated that it is two years since the whole County was placed into the overlay zone, and now more people are coming forward. He stated that, in the meantime, people have paid the fees and penalties. He stated that, in his opinion, now is not the time for the County to be forgiving people who did not do anything for two years; it is not fair to the ones that paid the money. He

questioned if this is approved, if the County shouldn't be refunding money to those that have paid the extra fees. He stated that the Board should have been provided with a list of the properties. He advised that he cannot support the item at this time.

Supervisor Watson stated that he can see where Supervisor Johnson is coming from; he also has concerns about the people who have paid the fees. He stated that he would pose the same question, do we pay the people back who have paid the fines.

Attorney Ekstrom advised that the County is not legally required to pay back money to the people that have already paid the fees and penalties; however, the Board can pay back the money if they choose.

Manager Walker stated that what we are trying to do is solve a problem that affects a lot of people. He stated that we can either try to solve the problem or we can continue to bog down Development Services, and the Courts. He stated that we can either punish, or try to fix the problem, and, in his opinion, it is the lesser of evils to do what is being proposed.

Supervisor Watson questioned how long the amnesty would be in effect.

Director Hont advised that there is no time limit; it gives an opportunity to hundreds of people to get in compliance. He advised that this will solve the problem for people wanting to improve their home. He stated that many people living in these homes are not aware they are in violation. He stated that this will give the County the opportunity to go after unsafe structures and bring them into compliance. He stated that these people will not come forward, but the department can follow up on complaints.

In response to Chairman Sockwell, Director Hont stated that several hundreds of people are not in compliance; however, they do not have an exact number.

Supervisor Johnson stated that Director Hont advised that many of the homes not in compliance were purchased by unknowing people; however, title insurance should have picked this up. He stated that if the Board approves something without a time limit, there is no reason for anyone to comply. He questioned how many people complied when this was first adopted.

Director Hont replied that he does not have that information; it was a small number according to the Building Department. He stated that he does not know why people did not come forward; perhaps we did not advertise enough.

Supervisor Johnson stated that the County complied with all requirements for implementing the overlay zone. He stated that people need to go back to their title company and make sure the searches were correct, or they need to pay the fees.

Manager Walker stated that perhaps a twelve month timeframe can be placed on the item, and then it can be re-evaluated, if the Board chooses to go forward with the item. He stated that this way we can see how many we can bring in without spending a substantial amount of time and money trying to punish people through the Courts.

Supervisor Johnson stated that we are not punishing anyone; people had the ability to come in and do what they were supposed to do. He stated that he would ask that the item be continued so a list of properties that are not in compliance can be distributed to the Board so it can be determined exactly how many there are before we start forgiving money owed to us.

Chairman Sockwell stated that it would be a good idea to see how many properties there are, before we move ahead.

There being no public input, Chairman Sockwell closed the Public Hearing.

Motion was made by Chairman Sockwell to continue the item to the September 8, 2009 BOS Meeting, so staff can provide a list of properties not in compliance.

Manager Walker questioned if staff will be able to provide a list by the next meeting, or if the item should be tabled, and brought back by staff when they have the numbers.

Director Hont advised that gathering the information will take some time; they know about many cases, but some they do not, they just have a good feeling that they are out there. He requested more time to allow staff to prepare.

Motion died for lack of a second.

Motion was made by Chairman Sockwell, and seconded by Supervisor Watson to table the item, until staff brings it back.

Supervisor Johnson advised that Director Hont stated that there are hundreds of people; therefore, he assumed hundreds of people had come forward. He questioned if we are just speculating that there are hundreds of people.

Director Hont advised that they do not know the exact numbers; they know there are hundreds.

Supervisor Johnson questioned how many people have come to them; how big a list do they have today.

Director Hont stated that he would have to ask the Building Department; there are several cases every week.

Building Technician Hiser advised that since 2007, they have processed 300 to 400 permits from people who have come forward. She stated that they know of several others just by looking at the area surrounding Kingman. She advised that many people got septic and well permits, but never got building permits. She stated that this item only applies to structures built prior to September 1, 2007; any structures constructed after that time would be subject to building permits.

Supervisor Johnson stated that it appears the Board is being asked to do something about a problem we don't have. He stated that he thought there was a list of hundreds of people who have come in and are upset about paying the fees and penalties; however, the way he understands it, is that we have to go out and look for these people. He stated that we are manufacturing a problem we don't have.

Building Technician Hiser stated that they are not going out looking for people; people do come in. She stated that when they come in they are told that, in order to come into compliance, they are going to need to pay a double building permit fee for a home that was constructed in 2006; therefore, they leave and never come back. She stated that they can go back and find the old permits where people came in and Development Services has either cancelled the permit because the person never completed the process, or they are sitting on hold.

Supervisor Johnson stated that he does not think we should make staff go out and find people in violation; he was just trying to get a list of these hundreds of people who have come in and are having a problem with the fees.

Building Technician Hiser stated that staff can provide the Board with a list of people who have come in and not completed the process, and pending applications.

In response to Supervisor Johnson, Building Technician Hiser advised that there are approximately 200 of these applications.

Manager Walker stated that with an amnesty program, you won't have to go out and play a cat and mouse game.

Building Technician Hiser stated that with the economy the way it is, getting a loan is different; lenders are making sure there are building permits.

Supervisor Johnson stated that he does not think many of them are interested in helping the banks out with foreclosures by forgiving fees.

Motion carried unanimously to table the item, until it is brought back by staff.

ITEM 36A: Chairman Sockwell opened the Public Hearing regarding the adoption of BOS Resolution No. 2009-193 - Reversion to Acreage of Lots 40, 46, 47, 48, 49, and 50, Sunward Ho! Ranches, Zafiro Acres, in Section 5, Township 22 North, Range 16 West, in the Long Mountain portion of the Mohave County General Area (east of Stockton Hill Road between Calle Alamo and Calle Dimas), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

Ron Lisiewski, Sunward Ho! resident, advised that he owns Lot 41, which borders the south and east sides of the proposed subdivision. He stated that Fred Shuman called him and told him they were changing things in the area and there was going to be a mobile home park. He stated that he is for managed growth, and Mr. Johnson has proven to him that he is going forward with a project that is comparable to Fountain Hills, and he can't see any reason to "shoot a hole" in

somebody trying to go forward with something of this magnitude. He stated that he is in full support of the project.

Crystal Martin, Kingman resident, advised that she is a renter in the area, and concerned about the roads. She advised that there are two ingresses and egresses that are not paved that people will use to avoid the traffic. She stated that the road the developer believes people will use is not paved, it is chip seal, which is barely holding up under the current strain. She stated that the developer should consider paving Bank Street, Jane Street, Avenida Obregon, Fountain Hills, and part of Bank Street south of Calle Castano. She advised that the developer stated they will put in power poles, with underground power in the development. She advised that Mr. Cranston (developer's representative) has stated there are power poles on Calle Dimas; however, that is not true, there are no such power poles on Calle Dimas.

Dean Johnson, property owner of subject property, stated that there has been much negative propaganda brought forth about this project, even after the matter was laid out in full to Development Services. He stated it has been said that there is going to be a trailer park, there will be no paving of roads, there is going to be a well placed on the property to supply the water, there are no restrictions to homeowners, etc. He stated that the facts are that this project is going to be stick frame houses, all streets going to the development and all interior roads will be paved, water will be provided by Cerbat Water District; fire hydrant flows meet fire district requirements, and all perc tests are complete. He advised that this will be an upscale development that will enhance all of Section 5 and the surrounding area. He stated that he received an email from Mr. and Mrs. Cameron, who are Crystal Martin's landlords, which stated that they are in support of this development if it is done properly. He stated that they have put everything in place to make sure this is a quality development.

Sandra Hicks, Kingman resident, advised that she is opposed to the rezone. She stated that she understands the Johnsons are trying to create a master-planned community; however, she bought five acres in order to get away from that. She stated that Calle Dimas is a dirt road that is not County maintained, and people will use it to access BLM land. She stated that the rezoning will disrupt the natural wildlife. She stated that some of the residents met with Mr. Cranston, and it was not successful. She advised that Mr. Cranston stated that they were not welcome at the next meeting, and they need to stop fighting the rezone.

Sid Cranston, representing the owners, stated that he discussed the subdivision with several of the surrounding property owners and he provided responsible and cogent responses to the questions the concerned neighbors posed regarding the project. He advised that the most important question was, what will this subdivision do for me. He stated that he explained that each adjacent property owner will be the beneficiaries of three key features: 1) increased property values; 2) an opportunity to have potable water extended to their property at a reasonable fee, and, 3) more paved roads. He advised that, after answering all the questions, there were still concerns, one was the possibility of barking dogs, the second was headlights from nighttime traffic, and the third was aesthetics. He stated that, at this time, it is his understanding that there are no more than five property owners in opposition to the project. He urged the Board to keep in mind that the Johnsons bought this specific property and moved forward with the planning of the subdivision because of a number of key features, such as,

proximity to improved road infrastructure; proximity to the City of Kingman; the ability to buy into a community water system that has established prior proof of being able to serve the population of the proposed project via Arizona Department of Water Resources 100 year water adequacy requirements; availability of a large, contiguous parcel of land that allows for a well thought out planned community; and the previous establishment of a suburban residential development land use categorization which is limited to less than 8% of the 61 square miles of the Long Mountain area. He urged the Board to approve Items 36A – D.

Fred Shuman, Sunward Ho! property owner, advised that he is opposed to the rezone. He stated that he met with Sylvia Shaffer, Planner II, and one of the Planning Engineers, and, after reviewing the preliminary plat map, and asking many questions, he requested four items in writing: a copy of the preliminary plat map, service availability letters, perc tests, and tract analysis. He stated that he received a call at 8:52 A.M. this morning advising him the information was available. He stated that he met with Mr. Cranston and asked him about the paved roads, and his reply was that the exact route had not been determined. He stated that he asked if the power was going to be above or below ground, and he replied that there will be power poles, and from the power poles the power will be underground. He advised that he was told the fencing was undetermined, but probably would not be a block wall, and the water would come from Cerbat Water Company. He stated that Mr. Cranston told him there would be a ditch dug across the west side of the property, and the south side of the property along Calle Dimas for water runoff, and they did not know what it would be made of, but there was a possibility they could use river rock. He stated that Mr. Cranston refused to give him a copy of the CC&Rs because the Johnsons told him not to give him any information because all he does is use it against them. He stated that this told him he was not going to get anywhere with this meeting, and when he got up to leave, Mr. Cranston told him not to attend the meeting Monday morning, and not to continue fighting the rezoning. He advised that he obtained a copy of the CC&Rs from Development Services, and it is not for Johnson Estates, it is for Chaparral Estates, with a caveat that says it will be corrected at a later date. He advised that he has presented the Board Members with a copy of a petition with over 125 names of people who are in opposition to the development. He urged the Board to deny Items 36A – D.

Manager Walker advised that we are dealing with a zoning change, not a final plat. He stated that he does not believe a plat is required that has to define each and every one of these issues until later in the process.

Planning Manager Taylor advised that Item 36C is the preliminary plan that relates to the other items, and if the Board chooses to approve this preliminary plan, there will be a final plat required later on.

In response to Manager Walker, Planning Manager Taylor advised that it is common to have changes between preliminary plans and final plat. He advised that the improvement plans that are required by the Land Division Regulations for a subdivision are not required until the submittal of the final plat; therefore, they are not required at this stage.

Supervisor Watson stated that there are unusual situations that make this somewhat difficult. He stated that, in looking at one of the aerials of the township (36 sections), eight sections

(approximately 25%) would be open space. He advised that those sections are BLM and Arizona School Trust Lands. He advised that one mile away there is a subdivision of the same type. He stated that he has listened to the arguments of reduced visual, air quality, and a number of smaller issues, such as power poles, etc., and he is very much in favor of paving in the area to reduce the air quality problems.

There being no further public input, Chairman Sockwell closed the Public Hearing.

Motion was made by Supervisor Watson, seconded by Chairman Sockwell, and unanimously carried to adopt BOS Resolution No. 2009-193, as stated.

ITEM 36B: Chairman Sockwell opened the Public Hearing regarding the adoption of BOS Resolution No. 2009-194 - Rezone of Lots 40, 46, 47, 48, 49, and 50, Sunward Ho! Ranches, Zafiro Acres, to be subdivided and known as Johnson Estates, Tract 3078, in Section 5, Township 22 North, Range 16 West, from A-R/10A (Agricultural-Residential/Ten Acre Minimum Lot Size) zone to R-O/A/1A (Single-Family Residential/Manufactured Homes Prohibited/Limited Animal Privileges/One Acre Minimum Lot Size) zone, in the Long Mountain portion of the Mohave County General Area (east of Stockton Hill Road between Calle Alamo and Calle Dimas), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

There being no further public input, Chairman Sockwell closed the Public Hearing.

Motion was made by Supervisor Watson, seconded by Chairman Sockwell, and unanimously carried to adopt BOS Resolution No. 2009-194, as stated.

ITEM 36C: Chairman Sockwell opened the Public Hearing regarding the adoption of BOS Resolution No. 2009-195 - Subdivision Preliminary Plan and Petition of Exception for Johnson Estates, Tract 3078, being a proposed subdivision of Lots 40, 46, 47, 48, 49, and 50, Sunward Ho!, Ranches, Zafiro Acres, in Section 5, Township 22 North, Range 16 West, in the Long Mountain portion of the Mohave County General Area (east of Stockton Hill Road between Calle Alamo and Calle Dimas), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

Motion was made by Supervisor Watson, and seconded by Supervisor Johnson to discuss adoption of BOS Resolution No. 2009-195.

Supervisor Watson advised that he had a couple of questions of Mr. Cranston regarding the Petition of Exception. He questioned if the Petition of Exception includes the difference in the paving proposed by Planning and Zoning as opposed to the one proposed by the owners.

Mr. Cranston advised that he spoke with Planning Manager Taylor this morning and he was told that Public Works has changed their position. He stated that perhaps Director Latoski can clear this up. He advised that it is his understanding that Public Works is no longer opposed to the Petition of Exception.

In response to Supervisor Watson, Mr. Cranston concurred that this was the only item on the Petition of Exception; however, there was an item requiring curbs and gutters throughout, and he would like that to be determined by the Public Works Department, based on final numbers from the hydrology analysis. He stated that he can take this up with Public Works at a later point.

In response to Supervisor Watson, Mr. Cranston advised that there is no debate about paving of the interior roads; they will all be paved. He showed a map indicating which exterior roads they would prefer to pave.

Director Latoski advised that the Petition of Exception concerns paving a section of Calle Dimas, from the north subdivision roadway, Avenida Acacia, to the eastern subdivision boundary. He advised that Public Works supports this Petition of Exception on the basis that site generated traffic by this subdivision will likely not utilize the section of roadway on Calle Dimas, east of Avenida Acacia, and instead will utilize Calle Alamo, as well as Calle Dimas to Bank Street.

There being no further public input, Chairman Sockwell closed the Public Hearing.

Motion was made by Supervisor Watson, seconded by Chairman Sockwell, and unanimously carried to adopt BOS Resolution No. 2009-195, as stated.

ITEM 36D: Chairman Sockwell opened the Public Hearing regarding the adoption of BOS Resolution No. 2009-196 - Abandonment of the 15-foot granted easements along all interior lot lines for ingress, egress and utilities for Lots 40, 46, 47, 48, 49, and 50, Sunward Ho! Ranches, Zafiro Acres, as recorded by Entry number 93454, March 1, 1960, to be subdivided and known as Johnson Estates, Tract 3078, in Section 5, Township 22 North, Range 16 West, in the Long Mountain portion of the Mohave County General Area (east of Stockton Hill Road between Calle Alamo and Calle Dimas), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

There being no further public input, Chairman Sockwell closed the Public Hearing.

Motion was made by Supervisor Watson, seconded by Chairman Sockwell, and unanimously carried to adopt BOS Resolution No. 2009-196, as stated.

ITEM 37: Motion was made by Chairman Sockwell, and seconded by Supervisor Watson, to adopt FY2009-10 Tax Levies and Rates for Mohave County tax authorities. (Exhibit "A")

Manager Walker questioned, relative to the fact that the Legislature has not done anything regarding the school property tax issue, how the issue was being handled.

Director Timko advised that the rate has been included in what is being adopted today. He stated that if the Legislature removes the school equalization tax, he will instruct the Treasurer not to collect it, or if that occurs too late in the billing process, the Legislature will include a refund process.

In response to Supervisor Johnson, Attorney Ekstrom stated that we are stuck with what the Legislature is doing; however, he knows they will take whatever action is necessary to allow the counties to impose their levies as contemplated by the Statutes. He stated that the plan Deputy County Manager Timko has proposed will be workable.

Motion carried unanimously.

ITEM 38: Motion was made by Supervisor Johnson, seconded by Supervisor Watson, and unanimously carried to allow Peach Springs Unified School District #8 to exceed the 2008-09 school district budget by no more than \$37,950.34, plus an anticipated additional invoice for \$3,000.00 for a total of \$40,950.34.

There being no further business to come before the Board of Supervisors this 17th day of August, 2009, **motion was made by Chairman Sockwell, seconded by Supervisor Watson, and unanimously carried to adjourn at 10:48 A.M.**

MOHAVE COUNTY BOARD OF SUPERVISORS

Tom Sockwell, Chairman

ATTEST:

Barbara Bracken, Clerk of the Board