

**MINUTES
OF THE
LA PAZ COUNTY BOARD OF SUPERVISORS
Monday, June 1, 2015, 10:00 a.m.
Regular Meeting**

Chairman Irwin called the Monday, June 1, 2015, regular meeting of the La Paz County Board of Supervisors to order at 10:00 a.m. Elected Officials and Department Heads present were: Chairman Irwin, Supervisor Wilson, Supervisor Clapperton, County Administrator/Clerk of the Board Field, Deputy County Attorney Buckelew, School Superintendent Price, Public Defender Field, Parks Director Bennett, Golf Professional Benton, Greens Superintendent Palma, Elections Director Scholl, Community Development Administrator Yackley, Assessor Schuler; and Deputy Clerk of the Board Green.

Chairman Irwin led the Pledge of Allegiance followed by the Invocation given by Deacon Roger Yoder of the Messiah Lutheran Church.

Presentation: “Sandy Dodge Employee Excellence Award”

Dorothy Fenech, Safety Committee Chairman, recognized Jeffrey Bissell, Detention LVN, with the Sandy Dodge Employee Excellence Award along with a \$25 gift certificate to Walmart.

Presentation: Recognition of employees with twenty (20) and twenty-five (25) years of service

Chairman Irwin recognized Karl O. Hartmetz and Arturo Gonzales with a County plaque for their 20 years of service; and Florencio Palma and John G. Bennett with a desk clock for their 25 years of service to the County.

Presentation: Arizona Commerce Authority Update by Keith Watkins, Senior Vice President, Economic/Rural Development

Keith Watkins, Arizona Commerce Authority Senior Vice President, for the Economic/Rural Development, gave a presentation regarding the work of the organization and its plans. He stated that the “target audience” for their website is for “site selectors”. He listed the information that is provided on the website which seeks to recognize properties all over the State; particularly rural Arizona.

He emphasized that the availability of land was not the only component to make rural Arizona attractive to business or developers. He stated that infrastructure was a very important factor along with a variety of other factors such as entitlements of property and the extent of the rights to build.

Mr. Watkins stated that a “secondary” program to the site selection provision is the rural development grant, which speaks to the infrastructure issue. He stated that a grant has been received to develop rural areas into a “certified site” in efforts to attract employers.

He stated that his organization also administers a Rural Business Development and Advisory Council, which appoints representatives from every County. He stated he was “pleased and proud” to say that Supervisor Wilson was the La Paz County representative; who was the “most active and engaged”, as well as the County’s “biggest champion” the organization had.

He described development improvements accomplished in 2015 with two rounds of grant projects in the Town of Chino Valley, Kingman, City of Maricopa, Wickenburg, Town of Sahuarita, City of Williams, and City of Winslow.

He described a co-op advertisement program that allows rural communities to tag on for a nominal price; something in which they hope to engage the support of local businesses. He expressed that he appreciated working with Skip Beckel with the Economic Development Corporation (EDC), and was supportive of that organization. He congratulated the EDC and the County for acquiring the Rose Acre Farms project.

Supervisor Clapperton stated that land in which the rail system in La Paz County sits on is largely Bureau of Land Management (BLM) property. He asked what the EDC was doing to deal with that.

Mr. Watkins stated that there were no current answers to BLM issues, or there would not continue to be issues. He stated the organization does what it can to facilitate the parties when issues demand attention. He stated that they have a good relationship with the State Land Department and BLM at the federal level; however, more needs to be done, noting there were state constitutional issues involved.

Supervisor Wilson thanked Mr. Watkins for his words. He stated that he felt economic development was important, and encouraged local small businesses to get involved with the programs that are out there for them.

Mr. Watkins agreed, adding that there are entrepreneurs with a technology driven product or service looking for investors; and different programs are offered to ensure success. He noted that they also have a revolving loan fund for those businesses that need it.

Current Event Summary

County Administrator Field stated expressed appreciation for Mr. Watkins presentation, adding that he has been supportive of the County’s regional landfill project.

He further added that another “piece of the puzzle” of this project has been put in place by the acquiring of State Land for improvement of the rail along the Arizona/California railroad for a trans-load allowing plans for a uni-train for the dumping of waste from California, a “positive” for the County. He stated it would be fully lined, and “state-of-the-art”.

He reported a “negative” for the County, explaining that the Environmental Protection Agency (EPA) and Army Corps of Engineers have finalized the rules on the Clean Water Act, or referred to as “waters of the US”. He stated that, although it is claimed that these rules are clearer, they are in fact just the opposite according to the National Organization of Counties (NACo). He added that Counties’ believe in “common sense” environmental protection regulation; however, it appeared that the regulations have expanded their oversight over waters by definition, with far reaching impacts on roadways and wastewater.

He stated that NACo is requesting an appeal of these rules, consulting with local governments for input.

Supervisor Clapperton expressed that the public should gain information about these important issues.

Brief comments were made concerning the possible far reaching effects it could have on the County.

Chairman Irwin stated she was concerned how these new regulations would affect the Centennial Wash issue.

CONSENT AGENDA (*Discussion and possible action on the following items*):

County Administrator Field presented for approval Consent Agenda Items #7(a) through #7(i).

7(a) Approval of Minutes

Approve the minutes of the May 18, 2015, 10:00 a.m. regular meeting.

7(b) Approval of Payroll

Approve May 3, 2015, through May 16, 2015, gross payroll, as presented, in the amount of \$397,711.50, plus employer benefit contributions of \$84,000.73, for a total of \$481,712.23, including handwritten warrants.

7(c) Approval of Demands

Approve the demands, as presented, for FY 2014/2015, in the amount of \$450,321.12, including handwritten warrants.

7d) **Approve the appointment of Justice Court Pro Tempore Judge Glenn Gimbut as Justice of the Peace for all La Paz County justice courts from June 14, 2015, through June 21, 2015, pursuant to A.R.S.§22-121; at a rate of \$50 per hour; including reimbursement for mileage and lodging; a budgeted item – Superior Court**

Approve the appointment of Justice Court Pro Tempore Judge Glenn Gimbut as Justice of the Peace for all La Paz County justice courts from June 14, 2015, through June 21, 2015, pursuant to A.R.S.§22-121; at a rate of \$50 per hour; including reimbursement for mileage and lodging; a budgeted item.

7(e) **Approve to appoint Joseph Salcido III and reappoint Lillian Miller to the Mohave/La Paz Local Workforce Investment Board (MO/PAZ LWIB) – Career Center**

Approve to appoint Joseph Salcido III and reappoint Lillian Miller to the Mohave/La Paz Local Workforce Investment Board (MO/PAZ LWIB); term to begin July 2015 upon appointment.

7(f) **Approve to appoint the position of Sign Technician – Public Works (Replacement/ Promotion)**

Approve to promote Gabriel Naranjo, Maintenance Worker I, to the position to Sign Technician, effective June 1, 2014, at an annual salary of \$25,022.40 (NE070, Step 1); a vacant budgeted position.

7(g) **Approve to appoint Office Assistant – Public Works (Replacement)**

Approve to appoint Alyssa Young as Office Assistant, effective June 1, 2015, at an annual salary of \$25,604.80 (NE052, Step 10), a vacant budgeted position.

7(h) **Approve to appoint the position of Court Clerk for the Salome Justice Court – JP#5 (Replacement)**

Approve to appoint Kaela Reffett to the position of Court Clerk for the Salome Justice Court, effective June 1, 2015, at an annual salary of \$23,108.80 (NE014, Step 1), a budgeted item.

7(i) **Approve submission of a letter to the Governor of Arizona requesting the Designation of Mohave/La Paz Workforce Development Area pursuant to Public Law 113-128, Section 106(b), Workforce Innovation and Opportunity Act; and authorize the Chairman of the La Paz County Board of Supervisors to sign the letter and any subsequent petition forms required by the Arizona Department of Economic Security and Arizona Commerce Authority – Career Center**

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Approve submission of a letter to the Governor of Arizona requesting the Designation of Mohave/La Paz Workforce Development Area pursuant to Public Law 113-128, Section 106(b), Workforce Innovation and Opportunity Act; and authorize the Chairman of the La Paz County Board of Supervisors to sign the letter and any subsequent petition forms required by the Arizona Department of Economic Security and Arizona Commerce Authority.

Supervisor Clapperton requested that item #7(d) be pulled from the Consent Agenda for separate discussion and action.

SUPERVISOR WILSON MOVED to approve Consent Agenda Items #7(a) through #7(i), excluding item #7(d). Motion seconded by Supervisor Clapperton, passed unanimously.

#7(d) Approve the appointment of Justice Court Pro Tempore Judge Glenn Gimbut as Justice of the Peace for all La Paz County justice courts from June 14, 2015, through June 21, 2015, pursuant to A.R.S.§22-121; at a rate of \$50 per hour; including reimbursement for mileage and lodging; a budgeted item- Superior Court

Supervisor Clapperton questioned the amount to be paid for the length of time indicated for a Pro Tem Judge replacement, and whether there were Pro Tem “non-attorneys” available for this time period.

County Administrator Field stated that there were “non-attorney” Pro Tem Judges; typically, selected from Chief Clerks in the court offices. He added that he had spoken with Judge Vederman and found that the current appointed Pro Tem Judges would be attending the same conference; therefore, there was a need to obtain someone to take care of the court activities while all were gone.

A brief discussion ensued noting that the item presented indicated that it was a budgeted item; however, it was not known what funds were they budgeted, presumably from the General Fund from the appropriate line item.

Supervisor Wilson commented, for the public’s information, that typically Pro Tem Judges are not paid or reimbursed for mileage; therefore, the request is out of the ordinary in that respect.

SUPERVISOR CLAPPERTON MOVED to approve the appointment of Justice Court Pro Tempore Judge Glenn Gimbut as Justice of the Peace for all La Paz County justice courts from June 14, 2015, through June 21, 2015, pursuant to A.R.S.§22-121; at a rate of \$50 per hour; including reimbursement for mileage and lodging; a budgeted item. Motion seconded by Supervisor Wilson, passed unanimously.

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Chairman Irwin recessed the Board of Supervisors and convened the Jail District Board of Directors at 10:44 a.m.

CONSENT AGENDA (*Discussion and possible action on the following items*):

County Administrator Field presented for approval Jail Consent Agenda Items #8(a) through #8(d).

8(a) Approval of Jail District Payroll

Approve May 3, 2015, through May 16, 2015, gross payroll, as presented, in the amount of \$59,668.57, plus employer benefit contributions of \$11,638.12, for a total of \$714,306.69, including handwritten warrants.

8(b) Approval of Jail District Demands

Approve the Jail District demands for FY 2014/2015, in the amount of \$45,287.24, including handwritten warrants.

8(c) Approve appointment of Detention Corporal (Replacement/Promotion)

Approve to promote Detention Officer Teri Crawford to the position of Detention Corporal, retroactive to April 29, 2015, at an annual salary of \$34,049.60 (L04, Step 1), a vacant budgeted position; with a six (6) month probation period for the County and an additional six (6) months for the Sheriff's Office.

8(d) Approve appointment of Detention Officer (Replacement)

Approve to appoint Dane Perry to the position of Detention Officer, retroactive to May 25, 2015, at an annual salary of \$30,763.20 (L02, Step 1), a vacant budgeted position; with a six (6) month probation period for the County and an additional six (6) months for the Sheriff's Office.

SUPERVISOR WILSON MOVED to approve Jail Consent Agenda Items #8(a) through #8(d). Motion seconded by Supervisor Clapperton, passed unanimously.

Chairman Irwin recessed the Jail District Board of Directors and reconvened the Board of Supervisors at 10:47 a.m.

REGULAR AGENDA (*Discussion and possible action on the following items*):

PUBLIC HEARING(S):

Docket No. CU2015-002, HBR, Inc., APN: 304-74-022, requesting a Conditional Use Permit to use parcel as a private aircraft operations area; Township 5N, Range 13W, Section 25 of the Gila and Salt River Meridian, located in Salome – Community Development

Community Development Administrator Yackley presented Docket No. CU2015-002, HBR, Inc.; APN: 304-74-022; applicant C. R. Goodman; requesting approval for a Conditional Use Permit to use parcel as a private aircraft operations area.

She stated that the property was located in a Flood Zone X; and thirteen (13) property owners were notified concerning the permit request, with one person responding opposed. She added that three additional letters of opposition were received into the record, for a 32.50% opposition response.

She stated that the request fit the County's Comprehensive Plan, and no comments were received from the Review Committee. He stated staff approved the request with the stipulations that 1) the applicant sign an A.R.S. §12-1134 (207) Waiver; and 2) a review of the Conditional Use Permit to ensure compliance is met with permits, land splits, or any combination of the parcel.

She gave a brief history of the air strip, noting permits taken out for its development, adding that the property has been used in the same fashion since 1985.

Chairman Irwin asked Community Development Administrator Yackley if the request for a Conditional Use Permit was to bring the air strip into compliance under current zoning codes although this airstrip was been used in the same manner for many years.

Ms. Yackley confirmed that was the situation.

Discussion ensued relating to the development of the parcel, noting that all permits were on file with the County, and any further development and changes are subject to the Planning & Zoning approval.

Chairman Irwin opened the public hearing and asked if anyone wished to comment on the request for a Conditional Use Permit.

Jim Downing, owner of property east of the applicant's property, stated that he, along with neighbors, the Coxes and Weissers, was opposed to the Conditional Use Permit because they felt the applicant planned to sell the parcels adjacent to the runway, which could be split over and over. He had submitted letters of opposition to the Board prior to the meeting and wanted to be sure that they were part of the packet.

He questioned whether a particular grading permit was obtained and expressed that he was concerned that Mr. Goodman could decide to do differently than indicated, or that his “successor and assigns” could do so. He stated that he was not clear how staff could enact a review of the permit to see that the applicant was complying. He reiterated that he felt it was the applicant’s intention to create parcels with runway privileges; causing other problems such as noises and safety hazards. He stated that he would consider anyone “taking off over his property to be trespassing and would respond accordingly”.

Mr. Goodman explained a method that would ensure a flights degree of slope as well as noise control, and addressed other objections. He explained that he has been a good neighbor for 40 years and would continue to be so. He further stated that the Planning & Zoning Commission had commented that the changes he made went well beyond the requirements. He added that he was getting along in years it was not his plan to get into the land development business; and he was doing what should have been done years ago; coming into compliance with how his property has been used for since 1985. He stated that “any fears of anything else were purely speculative”.

Discussion ensued noting that the property owner had proof that documentation was mailed to the FFA in answer to their questions; and all permits through Planning & Zoning, including the 2009 grading permit, were on file with Community Development.

Rob Galanders, currently the sole user of Mr. Goodman’s airstrip, stated that he had flown only four times in the last year and one-half. He felt that Mr. Downing’s fear of a “jet-port Salome” was unwarranted. He felt the main point for the Board of Supervisors to understand was that Mr. Goodman’s dream of having a private airport at his place was always a conforming use.

He stated that the FAA can designate a private airport; however, did it not deal with “hobby airports” such as what is on this property. He added that he purchased property from Ms. Freda Ludwig on the northwest corner of the airstrip; noting that it is unpaved.

Supervisor Clapperton asked Deputy County Attorney Buckelew if he had any input regarding the direction the Board should go on this item.

Deputy County Attorney Buckelew answered that the use of the property has been in place for approximately 40 years, an important factor. He stated that he provided a copy of the zoning ordinance addressing the process of Conditional Use Permits and its criteria to the Board.

Supervisor Clapperton asked Community Development Administrator Yackley if she felt the criteria was met in this request for a Conditional Use Permit.

Ms. Yackley stated that the Community Development Department felt that the criteria had been met.

Supervisor Wilson stated that in 1985, when the airport was established, the County and State indicated there were no zoning restrictions for a personal airport; therefore, when the airport went it, it was in full compliance at that time. He added that when La Paz County adopted their regulations and the airport was extended, in the time frame between 1997 and 2003, it constituted a change to the airport, and if the code required a Conditional Use Permit, it would have been a non-legal, non-conforming use at that time. He added that it was unclear as to when the original code was adopted and what code was in effect at the expansion; however, he felt that it was appropriate that the Board obtain a chronology of the events that transpired.

Supervisor Wilson added that he had not found anything in County regulations that regulated airports on private property, other than a Conditional Use Permit is required in certain zones; and the only stipulations were building heights in the vicinity of an airport.

He stated he had no objection to approval of the Conditional Use Permit if the airport continues to operate in the fashion it has all these years; however, there is no process to ensure that.

County Administrator Field stated that he concurred with Supervisor Wilson, that it was important to determine whether the airport was or was not a non-conforming use.

Discussion ensued noting that it was possible that the issue of non-conforming use should have never come up because the property had been used as an airport for some time before the regulations; and afterwards, an already permitted use.

Mr. Galanders stated that the property around Mr. Goodman's parcel is owned by people that could have their own airstrip; and the Conditional Use Permit requested by Mr. Goodman only restricts his future rights by choice.

County Administrator Field stated that he felt it showed "good faith" that Mr. Goodman had no intention of having a "wild cat" subdivision come in.

Mr. Galanders added that it was more desirable to have one airstrip that followed all the rules, avoided "over-flying" over Mr. Downing's property; than to have a "hodge-podge" number of dirt airstrips that take out in all different directions with various sizes of airplanes.

Supervisor Wilson stated that he felt that granting a Conditional Use Permit to Mr. Goodman did not guarantee that the other property owners could not develop their property as they wished or be subject to Mr. Goodman's permit. He stated that a method needed to be devised to oversee that future use of the airstrip needs to remain the same as it currently is.

Mr. Downing stated that he had no objection to the current use of the property or even an extension of the airstrip. He stated that what he objected to was the potential number of airplanes that could exist.

George Nault stated that he felt that whenever a change was made it would be made and approved through the Planning & Zoning Commission; therefore, the control would be at that level.

There being no further comments, Chairman Irwin closed the public hearing.

Chairman Irwin asked if the Board felt that this item should be continued due to the confusion and unanswered questions dealing with this item, and to clarify the issues.

She asked Deputy County Attorney Buckelew how much time he felt was needed before this item could be brought back before the Board.

Deputy County Attorney Buckelew stated that one month should be adequate before this item comes before the Board once again.

CHAIRMAN IRWIN MOVED to continue Docket No. CU2015-002, HBR, Inc., APN: 304-74-022, requesting a Conditional Use Permit to use parcel as a private aircraft operations area, to the July 6, 2015, regular meeting.

Chairman Irwin withdrew her motion for additional comment.

Supervisor Wilson stated that the current Conditional Use Permit does not protect the rights of the adjoining property owners to limit the usage of this property to its “historical use”; and an issue that needed to be addressed within the Conditional Use Permit.

SUPERVISOR WILSON MOVED to continue Docket No. CU2015-002, HBR, Inc., APN: 304-74-022, to the July 6, 2015, regular meeting regarding request for a Conditional Use Permit to use parcel as a private aircraft operations area in Salome. Motion seconded by Chairman Irwin, passed unanimously.

Tax Roll Corrections – Assessor

Chief Deputy Assessor Jones presented eighteen (18) tax roll corrections as follows with the net result of -\$1,230.20:

#2013.TRC.435S2	-\$82.16	#2014.TRC.439S1	-\$300.76
#2013.TRC.439S2	-\$87.44	#2013.TRC.439S3	-\$50.30
#2014.TRC.435S4	+\$550.92	#2014.TRC.435S2	+\$98.28
#2014.TRC.438S1	+\$550.92	#2014.TRC.439S1	-\$70.86
#2014.TRC.439S2	-\$22.06	#2014.TRC.439S3	-\$314.00
#2014.TRC.439S4	-\$86.88	#2014.TRC.439S5	-\$58.32
#2014.TRC.439S6	-\$80.54	#2014.TRC.439S7	-\$84.94
#2014.TRC.439S8	-\$42.30	#2014.TRC.439S9	-\$32.54
#2014.TRC.439S10	-\$841.42	#2014.TRC.439S11	-\$79.24

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CHAIRMAN IRWIN MOVED to approve eighteen (18) tax roll corrections for the net amount of -\$1,230.20, as presented by Chief Deputy Assessor Jones. Motion seconded by Supervisor Wilson, passed unanimously.

Discussion and possible action to enter “Third Amendment to Option Agreement for La Paz Option Water” with Robhana, Inc., and WALTCO of Nevada Profit Sharing Plan, which extends the deadline for the water option pending review and approval by Arizona Department of Water Resources for an additional 6 months between the parties to provide water for the Emerald Springs Development in Ehrenberg – Board of Supervisors

County Administrator Field presented the Third Amendment to Option Agreement for La Paz Option Water" with Robhana, Inc., and WALTCO of Nevada Profit Sharing Plan, which extends the deadline for the water option for the Emerald Springs Development in Ehrenberg.

He explained briefly the history how La Paz County obtained the Option Water; the initial purchasers of a portion of the water, adding that the initial lenders in a failed project were assigned an interest and chose to activate their option for the development of the Emerald Springs Subdivision.

He stated that an extension of the deadline for an additional six months is requested to allow time for a review and approval by Arizona Department of Water Resources. He added that this is the second extension requested.

Supervisor Wilson stated that if the delay continues too far in the future, there may be need to add an “inflator” to the price per foot of water.

County Administrator Field added that an “inflator” might be appropriate considering the interest that is being paid for the holdup.

SUPERVISOR WILSON MOVED to approve Third Amendment to Option Agreement for La Paz Option Water" with Robhana, Inc., and WALTCO of Nevada Profit Sharing Plan, which extends the deadline for the water option pending review and approval by Arizona Department of Water Resources for an additional 6 months between the parties to provide water for the Emerald Springs Development in Ehrenberg. Motion seconded by Chairman Irwin, passed unanimously.

Approve/Deny recommendation to the Arizona Department of Liquor Licenses & Control for liquor license application for agent change/acquisition of control/restructure submitted by Andrea Dahlman Lewkowitz, dba Safeway Food & Drug #2075, Liquor License #09150006, located at 121 W. Riverside Drive, in Parker – Board of Supervisors

County Administrator Field stated that Arizona Department of Liquor Licenses & Control for liquor license application for agent change/acquisition of control/restructure submitted

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by Andrea Dahlman Lewkowitz, dba Safeway Food & Drug #2075, Liquor License #09150006, was posted for the required number of days and no comments for or against the application has been received.

SUPERVISOR CLAPPERTON MOVED to recommend approval to the Arizona Department of Liquor Licenses & Control for liquor license application for agent change/acquisition of control/restructure submitted by Andrea Dahlman Lewkowitz, dba Safeway Food & Drug #2075, Liquor License #09150006, located at 121 W. Riverside Drive, in Parker. Motion seconded by Supervisor Wilson, passed unanimously.

Call to the Public

John Rappernecker stated that the building height being allowed by a particular developer in his area was too high, calling one of them a “monstrosity”. He requested that limits on heights need to be added to regulations.

Community Administrator Yackley spoke of the particular problems of that area and noted the need to revised regulations to limit the size of the metal buildings being erected.

Star Bearcat asked the status of certain House bills that were recently passed; rules concerning airspace; and questions as to how the County could assist the Town of Quartzsite on particular projects.

Supervisor Wilson interjected that the County was not contributing to the Buckskin Sanitary District project “out of the goodness of our heart”, rather, the County has property that will benefit from their project, whereas, there is no County property in Quartzsite that needs this kind of attention.

George Nault complimented the new paint job in the Board Room.

Supervisor Clapperton asked staff to look into the County’s Zoning ordinances regarding building height/size limitations in the Lakeside areas.

He added he has never been approached by any representative in the Town of Quartzsite or the Town of Parker regarding any County issues; however, he encouraged the public to contact him.

Chairman Irwin concurred, saying that she had not been approached by anyone from the Town of Quartzsite regarding issues that were brought up at Call to the Public.

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Service \$11,825.00; #11117049, Pima County Treasurer \$2,200.00; #11117051, Pitney Bowes Purchase Power \$1,819.16; #11117056, Quartzsite JP \$1,873.37; #11117061, R & S Northeast LLC \$1,080.62; #11117062, Radford, Michael \$1,196.72; #11117071, Salome Justice Court \$3,464.24; #11117073, Schiff, Laurence M.D. \$1,225.00; #11117079, Southwest Gas Corporation \$1,479.98; #11117092, Tiger Direct \$1,427.38; #11117093, Tires@wholesale \$1,366.16; #11117097, United Rotary Brush Corp. \$2,792.74; #11117099, Vericor LLC \$1,345.00; #11117105, West Payment Center \$2,060.32; #11117106, Western States Petroleum \$1,974.92; #11117107, Yavapai County Sheriff's Office \$7,500.00; #11117108, Zion Bank/Public Financial Services \$4,463.48.