

OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING

August 15, 2022
St. Johns, Arizona

Present were: Chairman Nelson Davis and Supervisor Alton Joe Shepherd. Also present, was County Manager/Clerk of the Board Ryan Patterson and Chief Deputy County Attorney Celeste Robertson. Vice Chairman Joe Shirley, Jr. participated via the telephone.

Chairman Davis called to order the Board of Supervisors meeting at 8:30 a.m. in the Board of Supervisors' chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona, and welcomed all in attendance.

Ferrin Crosby gave the invocation.

Stephanie McCarthy led the Pledge of Allegiance.

Chairman Davis called for the Library District items.

SueAn Stradling-Collins, Library Director, requested approval of the acceptance of 7 Route 66 collections consisting of 10 Books and 1 DVD per library, donated by Historic Route 66 Association of Arizona at a value of \$1,622.25. **Mr. Shepherd moved approval, seconded by Mr. Shirley.** Vote was unanimous.

SueAn Stradling-Collins, Library Director, requested approval to enter into a one-year agreement, in the amount of \$4,125 for Cloud Services from Copperfasten Technologies Limited in the form of web filtering using WebTitan Services and this amount has been budgeted for in FY22-23. **Mr. Shepherd moved approval, seconded by Mr. Shirley.** Vote was unanimous.

Mr. Shepherd moved to adjourn the Library District meeting, seconded by Mr. Davis. Vote was unanimous.

Chairman Davis called for the Health District item.

Kimberly Cole, Assistant Library Director, requested approval of IGA Healthy People Healthy Communities Amendment #3. Contract #CTR055353 effective July 1, 2022 through June 30, 2023 in the amount of \$397,420. Ms. Cole stated this amount has been budgeted for in FY23. **Mr. Shepherd moved approval, seconded by Mr. Shirley.** Vote was unanimous.

Mr. Shepherd moved to adjourn the Health District meeting, seconded by Mr. Shirley. Vote was unanimous.

Chairman Davis called for the regular agenda items.

Matt Fish, Planning & Zoning Director, presented the item, following a public hearing, and any discussion among the board members, the board may; adopt its entirety or may alter, change, or

modify any or all of the recommendations, changes or other items presented to it by the commission, or may completely accept or reject or adopt any other changes the board sees fit regarding the possible approval of Apache County Zoning Ordinance Article 6 Greer Zoning Ordinance and the Greer zoning map. Article 6 was adopted July 6, 2010, by the Apache County Board of Supervisors. Mr. Fish stated the Planning & Zoning Commission unanimously recommended approval of this zoning ordinance with its recommended amendments and the accompanied zoning map on July 19, 2022. **Mr. Shepherd moved to open the public hearing, seconded by Mr. Shirley.** Vote was unanimous.

Marcus Clarke-Goss, a property owner in Greer, expressed his opinion regarding the proposed changes to Article 6 and is opposed to R.V.'s in Greer.

Richard Mosher, a resident of Greer, stated he supports Article 6 as it is written now or even make it more stringent because zoning laws are meant to protect property values and property rights.

Fred Fiastro, a resident of Greer and is speaking on behalf of the Greer Coalition, a community organization interested in law use in Greer. Mr. Fiastro expressed his concerns with Article 6 and stated most people in Greer prefer to have any R.V.'s in Greer and supports Article 6 as presented.

Kimberly Owens, a property owner in Greer, stated in 2010, when Article 6 came before the Board of Supervisors, the Board exempted their property from the map in Article 6 until such a time that her family came to the County with plans for the county and is here today to stated that there are still not plans to do anything different than what they have used the property for years. Ms. Owens stated if they do, they will follow the rules.

Steve Williams. a property owner in Greer, stated he supports the modifications to the proposed Article 6. Mr. Williams stated most people in Greer are against any R.V. usage at all. Mr. Williams asked that Parcel 102-08-020B not be allowed to change from Greer residential to Greer Commercial.

Michelle Iddings, a property owner in Greer, addressed the Board and stated that she is the only one who has been sited under Phase 1 for having R.V.'s and if the Board changes things, she should be grandfathered into what we are under, which does not mention R.V.'s. Mrs. Iddings stated laws are written to protect our constitutional rights, not by mob rule, and laws need to be enforced for everyone.

George Iddings, a property owner in Greer, stated it's in the Board's hands to make the right decisions and he stood before the aboard 4 years ago in favor of the community plan which brought article 6 along to what we have today and no sooner did we realize they supported the wrong thing. M. Iddings stated Article 6 has not been fully implemented yet and look at the problems it has caused' Greer Phase I and Article 6 have been poorly written and leaves things up to interpretation which has led to issues. This process has violated his constitutional rights and goes much deeper than having R.V.'s on our property. Mr. Iddings stated Article 6 should be re-written by elected officials.

Mike Bragiel, a property owner in Greer, stated he supports the current Article 6 addressed the issue regarding his property that does not comply with the requirements. Mr. Bragiel addressed issues regarding the use of his property.

Jean Werrer, a property owner in Greer, stated she loves the Greer area and the beautiful landscape and neighbors should respect each other and look at what their property use does to others around them. Ms. Werrer stated she is concerned this action will pit neighbor against neighbor and need consistent rules for all people in the community.

Mr. Shepherd moved to close the public hearing, seconded by Mr. Shirley. Vote was unanimous. Chairman Davis stated the item before the board is for consideration and possible approval of the Apache County Zoning Ordinance Article 6 Greer Zoning Ordinance with amendments and the Greer zoning map as recommended by the Planning and Zoning Commission. Chairman Davis stated Article 6 only impacts Greer, it does not affect the rest of the county and thanked everyone who has been involved with this process and is an issue that no answer will satisfy everyone, and the intent is to come up with a solution that will address and make the most people happy. **Chairman Davis made the motion to accept the recommendation of the Apache County Planning and Zoning Commission of Article 6 and the Greer Map as approve on July 19, 2022 with the following changes:**

Strike the first paragraph of Article 6 Greer Zones.

Under B. of Definitions, Factory Built Builds, Strike Log Cabin kits are excluded from this prohibition.

Page 9 under the Use Table, under Recreational R.V.'s, one (1) R.V. be permitted in the GA-2 Using footnote (6) as a guide, one (1) R.V. be allowed in GR-1 using footnote (6) as a guide and for GC and GCR will be left under the Conditional Use application, again using footnote (6) as a guide.

Paragraph under Use Table, strike "Further the Director will consider all other Apache County zoning ordinances, the Apache County Comprehensive Plan, and the Greer Community Plan while undertaking any review, making recommendations, or granting approvals."

Footnote (6) will be re-written "Individual Property Owners may store and occasionally use 1 (one) R.V. on their property if there is a permanent residential structure or an active building permit for a permanent residence. Only one (1) R.V. per property. R.V. registration and title must be in the same name as the registered owner of the parcel. R.V.'s shall have an Apache County approved compliance sticker affixed to the R.V. Occasional use is limited to seven (7) days in any calendar month and cannot be used as a rental property. A property owner may store and use an R.V. for longer than a seven (7) day period of the owner is in the process of building a permanent residence, so long as the owner holds a valid Apache County Building Permit. The seven-day rule goes into effect immediately after the owner receives a certificate of occupancy for the permanent dwelling. Personal storage of an R.V, shall comply with all setbacks contained in this ordinance."

Mr. Shirley seconded Chairman Davis' motion.

Chairman Davis stated to explain his motion today, a vision statement belongs in the Greer Community Plan, not in Article 6 ordinance. The log home strike isn't a big issue, it just needs more discussion before we take any action on it. Chairman Davis stated that footnote (6) is what most of the people in Greer can live with. Chairman Davis stated he is concerned the commercial and resort area of Greer being overcrowded with parking and small lots, and if we open it up to R.V.'s, it will just make it even more difficult for parking, so that is why he wanted to leave that under a conditional use permit requirement. Chairman Davis stated the change in footnote (6) with registration of R.V.'s being tied to the landowner, helps with the concern that Greer would become a parking lot for R.V.'s since today's action will limit the number of R.V.'s in the area. Chairman Davis stated he believes this is good for the community. Vote was unanimous on the Article 6 amendments.

Timothy Hinton, Finance Director, requested possible approval of the 2022-2023 Tax Levy for all County jurisdictions. Mr. Hinton stated all required public hearings regarding the budget and tax levy has been held and recommended approval. **Mr. Shepherd moved approval, seconded by Mr. Shirley.** Vote was unanimous.

Mr. Patterson presented the Consent Agenda items A-E and recommended approval. **Mr. Shepherd moved approval, seconded by Mr. Shirley.** County Manager/Clerk of the Board:

A. Request approval of demands as distributed to the Apache County Board of Supervisors between July 26, 2022, to August 15, 2022. Demands are payments made, or to be made, by the County. Payee Amount ADVANCED AIR SYSTEMS LLC 10,740.50 APACHE COUNTY PROBATION DEPARTMENT 2,000.00 AZ DEPT OF HEALTH SERVICES 1,115.00 BAUMAN HOME AND AUTO INC 1,123.28 COURTESY CHEVROLET 3,957.87 EATON SALES & SERVICE 14,901.92 FRONTIER 1,852.97 GLAXO SMITHKLINE PHARMACY 3,026.60 MINKUS 1,310.00 NAVOPACHE ELECTRIC COOPERATIVE 21,447.77 PERFECT PRINTZ LLC 5,777.22 QUILL CORP 2,980.96 KODY RICHARDSON 2,150.58 RIGG LAW FIRM PLLC 2,928.00 ST JOHNS CITY 2,810.39 ST JOHNS EMERGENCY SERVICES 2,365.19 VERIZON WIRELESS 1,168.73 AMAZON CAPITAL SERVICES INC 1,180.82 ARIZONA ELEVATOR SOLUTIONS INC 3,060.19 ASHTONS REPAIR INC 1,890.69 BREWER LAW OFFICE PLLC 8,500.00 CENGAGE LEARNING INC 2,542.25 EBSCO SUBSCRIPTION SERVICES/KWIKBOOST LLC 1,861.47 FRONTIER 1,387.32 HAMBLIN LAW OFFICE PLC 8,500.00 HOME DEPOT 1,390.57 PACIFIC PONDEROSA CO INC 4,657.40 DANA BRYCE PATTERSON 8,500.00 R JOHN R JOHN LEE ATTORNEY AT LAW 8,500.00 RHINEHART OIL CO 8,249.40 SECURUS TECHNOLOGIES INC 1,808.97 SUMMIT FUNERAL HOME 1,150.00 THOMSON REUTERS WEST 1,138.11 US POSTMASTER 2,915.82 US POSTMASTER 5,825.84 APACHE COUNTY HSA 4,724.82 APACHE COUNTY MEDICAL 173,338.70 APACHE COUNTY TAX WITHHOLDING 170,497.36 ASRS LEGACY EORP 9,813.79 AZ STATE RETIREMENT SYSTEM 129,264.63 COLONIAL LIFE AND ACCIDENT INS 1,306.20 CORRECTIONS OFFICER RET PLAN 11,550.86 CORRECTIONS OFFICER RETIREMENT PLAN 520 1,917.28 EORP LEGACY 1,580.77 NATIONWIDE 4,247.25 NATIONWIDE TRUST FSB 3,268.63 PUBLIC SAFETY PERSONNEL 40116,340.00 PUBLIC SAFETY SHERIFF RET 9,337.81 SUPPORT PAYMENT CLEARINGHOUSE 1,125.00 US

POSTMASTER 30,000.00 BRIMHALL SAND & ROCK 4,803.15 CONSOLIDATED ELECTRICAL DISTRIBUTORS 11,903.50 CRESCENT ELECTRIC SUPPLY CO 1,058.77 DESERT MOUNTAIN CORPORATION 15,107.42 DRAKE EQUIPMENT OF ARIZONA INC 8,646.04 KIMBALL EQUIPMENT COMPANY 14,743.89 NAVAJO TRIBAL UTILITY AUTHORITY 5,106.25 NAVOPACHE ELECTRIC COOPERATIVE 3,313.05 PHIL STRATTON ELECTRIC IN 1,490.00 PIMA COUNTY MEDICAL 5,000.00 SANOFI PASTEUR INC 1,763.91 VERIZON WIRELESS 2,281.96 WHITE MOUNTAIN COMMUNICATIONS 2,985.91 ABS OILFIELD SUPPLY INC 44,571.94 AMAZON CAPITAL SERVICES INC 6,181.87 ASHTONS REPAIR INC 1,493.96 AZ NARCOTICS OFFICERS ASSN 2,500.00 BAUMAN HOME AND AUTO INC 2,127.21 BRAZOS TRAILER SALES OF ARIZONA LLC 86,854.20 CDW GOVERNMENT LLC 1,581.19 CONTROLLED FORCE INC 1,740.00 DELL COMPUTER CORPORATION 1,753.35 EMPIRE MACHINERY 2,077.51 GILA COUNTY 10,373.31 HILLYARD/ FLAGSTAFF 2,756.56 HOME DEPOT 2,120.86 INFINITY COMMUNICAITONS & CONSULTING INC 4,500.00 NAVOPACHE ELECTRIC COOPERATIVE 1,757.11 NORTHERN ARIZONA COUNCIL OF GOVERNMENT – NACOG 11,468.00 QUILL CORP 3,884.14 RHINEHART OIL CO 37,045.99 RUSH TRUCK CENTER 2,610.60 SECURUS TECHNOLOGIES INC 1,083.96 VERIZON WIRELESS1,073.35 B&R TRUCKING 11,173.67 THOMSON REUTERS WEST2,189.65 EMPIRE MACHINERY59,343.74 APACHE COUNTY HSA 4,884.82 APACHE COUNTY MEDICAL173,482.15 APACHE COUNTY TAX WITHHOLDING 178,921.61 ASRS LEGACY EORP9,813.79 AZ STATE RETIREMENT SYSTEM 132,067.92 COLONIAL LIFE AND ACCIDENT INS1,306.20 CORRECTIONS OFFICER RET PLAN 11,229.99 CORRECTIONS OFFICER RETIREMENT PLAN 5201,759.98 EORP LEGACY 1,580.77 NATIONWIDE3,978.47 NATIONWIDE TRUST FSB 3,268.63 PUBLIC SAFETY PERSONNEL 401 16,351.45 PUBLIC SAFETY SHERIFF RET7,020.08 SUPPORT PAYMENT CLEARINGHOUSE 1,125.00 AMAZON COM INC (Health & Library)7,910.58 BRAD HALL & ASSOCIATES INC 30,437.87 EQUIPMENTSHARE.COM INC 3,154.82 MICHELE'S READY MIX ROCK & RECYCLE INC6,776.32 PITNEY BOWES 23,352.00 RUNBECK ELECTION SERVICES INC 9,107.77 TRUCKNTOW COM INC 4,950.25 VERIZON WIRELESS1,471.12 ADVANCED CORRECTIONAL HEALTHCARE INC 41,239.76 AMAZON CAPITAL SERVICES INC 6,379.81 AZ SUPREME COURT 7,500.00 BOB BARKER COMPANY INC 1,887.91 BRAD HALL & ASSOCIATES INC29,436.57 CELLULAR ONE NE AZ 1,663.26 CONTINUOUS RAINGUTTER SYSTEMS12,470.00 EMPIRE MACHINERY 3,101.28 FOUR CORNERS WELDING & GAS SUPPLY1,461.66 GOVERNMENT FORMS & SUPPLIES LLC1,447.88 HOME DEPOT 1,615.55 KING, ELOUISE MAE 1,099.28 NAVAJO TRIBAL UTILITY AUTHORITY2,111.27 NTUA WIRELESS, LLC 5,220.02 O'REILLY AUTO PARTS 1,022.03 OFFICE DEPOT 1,157.49 DOUGLAS LANCE PEARCE 1,806.50 QUILL CORP 2,537.44 RELIABLE BACKGROUND SCREENING 4,115.85 SECURUS TECHNOLOGIES INC 1,681.80 ST JOHNS EMERGENCY SERVICES2,310.01 TRACKER SOFTWARE CORP 4,584.00 RIGHT EXPRESS FSC WEX 2,275.82 YAVAPAI COUNTY GOVERNMENT 5,000.00 Specific details of the demands may be requested through the County public record request process. B. Request approval of minutes dated July 26, 2022. C. Request approval of a liquor license application recommendation for Kelly Ann Meixler, Concho Spring RV Resort, 7, County Road 61, Concho, Arizona. School Superintendent's Office: D. Pursuant to A.R.S. 15-424E, request approval to cancel the school district elections and appoint the persons who filed the required paperwork to fill the positions

for the following districts: Alpine Elementary School District #7 two 4-year terms, Ganado Unified School #20 one 2-year term, Round Valley Unified School District #10 three 4-year terms, Vernon Elementary School District #9, three 4-year terms, Window Rock School District #8 three 4-year terms and one 2-year term and NAVIT CTED #35-St. Johns one 4-year term. Election Department: E. Request approval to cancel the special district elections and appoint the persons who filed the required documents to fill the positions for the following districts: Alpine Fire District, Concho Fire District, Ganado Fire District, Greer Fire District, Puerco Fire District, Vernon Fire District, Northern Apache County Special Health Care District, White Mountain Community Special Health Care District, Alpine Sanitary District, Little Colorado Sanitary District, Alpine Domestic Water Improvement District. Vote was unanimous.

Angela Romero, Election Director, requested approval of the Canvass of the August 2, 2022 Primary Election. **Mr. Shirley moved approval, seconded by Mr. Shepherd.** Vote was unanimous.

Chief Deputy Sheriff Roscoe Herrera requested approval of Agreement DC-23-001 between Arizona Criminal Justice Commission and the Apache County Sheriff's Office for the Drug, Gang and Violent Crime Control Grant Agreement in the amount of \$24,395.96. Chief Herrera stated this grant required a 25% match that will be paid utilizing RICO funds. **Mr. Shepherd moved approval, seconded by Mr. Shirley.** Vote was unanimous.

Chairman Davis opened the floor for call to the public.

Michelle Iddings, a resident of Greer, stated laws are for everyone and people should not be singled out and prejudice has been happening in her community and not just related to R.V.'s.

There was no one else wanting to address the Board during call to the public.

Mr. Shepherd moved to adjourn the meetings, seconded by Mr. Shirley. Vote was unanimous.

Approved this 6th day of September, 2022.

/s/ Nelson Davis
Chairman of the Board

/s/ Ryan N. Patterson
Clerk of the Board