

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
August 17, 2015
St. Johns, Arizona**

Present were: Chairman Joe Shirley, Jr., Vice Chairman Tom M. White, Jr. and Supervisor Barry Weller. Also present, County Manager/Clerk of the Board Delwin Wengert and Chief Deputy Attorney Joseph Young.

Chairman Shirley called to order the Board of Supervisors meeting at 8:33 a.m. in the Board of Supervisors chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona and welcomed all in attendance.

Diana Morgan led the Pledge of Allegiance.

Ferrin Crosby gave the invocation.

Chairman Shirley called for the Library District items.

Judith Pepple, Library Director, requested approval of community representatives, proposed budget, and Strategic Planning Process for the Round Valley Public Library. Mr. White moved approval, seconded by Mr. Weller. Vote was unanimous.

Judith Pepple, Library Director, requested approval to award paving projects for the Concho and Vernon Libraries to Hatch Construction, the lowest bidder at \$97.95 per ton in place. Mr. Weller moved approval, seconded by Mr. White. Mr. White asked how many tons would be purchased. Ms. Pepple stated 289.2025 tons at a total cost of \$28,327.38 for Concho and at the Vernon Library it is 5000 square feet. Ferrin Crosby, County Engineer stated the total cost would be \$8,900 for the Vernon Library. Vote was unanimous.

Mr. Weller moved to adjourn the Library District, seconded by Mr. White. Vote was unanimous.

Chairman Shirley called for the Health District item.

Keli Sine-Shields, Assistant Health Director, requested approval of the expansion of Vital Records services to Teec Nos Pos. Mr. White moved approval. Mr. Weller asked how many trips would be done. Ms. Sine-Shields stated there would be 9 trips in the fiscal year. Mr. Weller seconded Mr. White's motion. Vote was unanimous.

Mr. White moved to adjourn the Public Health Services District meeting, seconded by Mr. Weller. Vote was unanimous.

Chairman Shirley called for the regular agenda items.

Ryan Patterson, Finance Director, requested adoption of the property tax levy for 2015- 2016. Mr. Patterson stated the tax rates are what were provided in the budget document two weeks ago along with the school and special districts and asked for approval. Mr. Weller and Mr. Patterson held as discussion regarding the most recent draft of the document he received this morning due to changes

at the state over the weekend. Mr. White moved approval, seconded by Mr. Shirley. Motion passed 2-1 with Mr. Weller voting nay due to his concerns expressed in past meetings that he cannot approve since he strongly believes the tax increases were not necessary in several districts and in the primary tax rate.

Mr. Wengert presented the **Consent Agenda A-E** and recommend approval. Mr. Weller requested Item **D** be pulled regarding the Eastern Arizona Counties item for discussion. Mr. Weller moved to approve a **Consent Items A, B, C & E**, seconded by Mr. White. **County Manager/Clerk of the Board:** **A.** Request approval of demands as distributed to the Apache County Board of Supervisors between August 3, 2015 to August 17, 2015. Payee Amount DELL COMPUTER CORPORATION 2,100.53 EMILY L DANIES ATTORNEY AT LAW 2,821.52 GOLIGHTLY TIRE 5,195.37 MOUNTAIN COMFORT HEATING AND COOLING 2,569.95 NAVAJO COUNTY 6,486.27 PAGE STEEL 1,390.32 THE GUIDANCE CENTER 1,650.00 AAA ARIZONA INC 2,327.00 APACHE COUNTY SCHOOLS CONSORTIUM 14,835.00 BAUMAN HOME AND AUTO INC 3,496.42 BERRY, CURTIS H 1,030.62 BRADCO 18,132.62 COMMUNITY COUNSELING CENTERS INC 2,400.00 CS&S COMPUTER SYSTEMS 4,799.64 DELL COMPUTER CORPORATION 1,497.93 DIRECTV LLC 1,012.92 EMPIRE MACHINERY 91,798.20 ESRI INC 1,405.21 FRONTIER 1,754.22 ITSECUREONE 3,790.50 JURY SYSTEMS INCORPORATED 1,500.00 NUTRISO COMMUNITY ASSOCIATION 6,060.41 OFFICE DEPOT 2,214.83 QUILL CORP 3,245.55 STAPLES CREDIT PLAN 1,912.40 THE AARONS COMPANY LLC 3,000.00 TRINITY SERVICES GROUP INC 20,141.41 VERIZON WIRELESS 4,368.29 WHITE RAVEN OF ARIZONA LLC 4,540.20 YOUNG, JOSEPH 5,900.00 Heap, Justin 1,947.40 Young, Joseph 1,587.40 Shirley, Joe Junior 1,923.79 Rogers, Kent 1,133.60 Stradling, Reed 1,437.05 Vezina, Melissa 1,029.77 King, Walter Scott 1,188.22 APACHE COUNTY HSA 2,256.67 APACHE COUNTY MEDICAL 139,934.08 APACHE COUNTY TAX WITHHOLDING 130,911.16 AZ STATE RETIREMENT SYSTEM 88,427.20 COLONIAL LIFE AND ACCIDENT INS 1,198.99 CORRECTIONS OFFICER RET PLAN 5,938.59 CORRECTIONS OFFICER RETIREMENT PLAN 520 5,636.50 NATIONWIDE 1,605.00 PUBLIC SAFETY PERSONNEL 401 10,971.63 PUBLIC SAFETY SHERIFF RET 37,498.01 SECURITY BENEFIT GROUP 1,141.00 SUPPORT PAYMENT CLEARINGHOUSE 2,534.03 AZ DEPT OF HEALTH SERVICES 1,315.00 AZ DEPT OF REVENUE 1,765.20 AZ DEPT OF REVENUE 75,515.93 AZ DEPT OF RISK MANAGEMENT 1,840.23 AZ STATE GOVERNMENT 134,300.00 AZLGEBT 275,655.36 BOB BARKER COMPANY INC 2,978.43 CDW GOVERNMENT LLC 10,477.99 DIGITAL2YOU.CC 11,800.00 ENGINEERED CONTROL SYSTEMS INC 13,094.18 FOUR CORNERS WELDING & GAS SUPPLY 1,193.05 HILLYARD INC 1,526.83 INLAND KENWORTH INC (FARMINGTON) 1,925.78 LAW OFFICE OF DEVIN BROWN 4,361.50 LEXIS-NEXIS 2,149.41 NAVOPACHE ELECTRIC COOPERATIVE 12,387.65 NEW WORLD SYSTEMS CORPORATION 4,635.00 PACIFIC PONDEROSA CO INC 1,945.60 PERFECT PRINTZ LLC 1,319.77 PROFORCE LAW ENFORCEMENT 1,331.83 QUILL CORP 3,713.42 S R ROBERTS INC 1,383.95 ST JOHNS CITY 1,092.93 TJP COMMUNICATIONS 1,570.14 VALLEY AUTO PARTS 1,261.75 VECTOR RESOURCES INC 3,191.21 VERITAS RESEARCH CONSULTING 2,440.00 VERIZON WIRELESS 1,415.59 WHITE MOUNTAIN REGIONAL MEDICAL CENTER 1,376.15 WILLIAMS GC NEWSPAPERS INC 1,438.15 Demands are payments made or to be made, by the County. Specific details of the demands may be requested through the County public record request process. **B.** Request approval of minutes dated August 3, 2015. **C.** Request approval of a Special Event Liquor License for the American Legion Post 130, for Octoberfest to be held at the Concho Valley Lions Club, Commercial Drive in Concho, Arizona on October 3, 2015. Personnel Items: E. District I: Request authorization to convert the currently vacant Equipment Mechanic II (range 29) to a Civil Engineering Aide II (range 29). Vote was unanimous.

Mr. Weller stated **Consent Item D.**, regarding the request for approval of the Eastern Arizona Organization Bylaws, the modifications in the Bylaws just exacerbates his concerns about the organization. Mr. Weller stated this action is moving promptly towards not even having elected officials at the meetings and outlined four concerns he has with the contract; #1. Exhibit B was not

offered for review and remains a mystery. #2. Mr. Weller suggested any time a county administrator votes on the items at ECO, they have a proxy from an elected official because this is moving toward eliminating the need to even have a proxy to vote on issues associated at times, a great amount of tax dollars, #3. Five directors can make a decision without one elected official being present, #4. They are trying to skirt the Open Meeting Law by not having a website required to be posting the meetings. Mr. Weller stated there are other issues but those are the four that gives him great concern and he will not be voting to approve the item. Mr. Wengert stated the Board of Directors for Eastern Counties Association are, Supervisor Tom White for Apache County, Supervisor Tommie Martin for Gila County, Supervisor Drew John from Graham County, Supervisor David Gomez from Greenlee County, Jason Whiting from Navajo County and Supervisor Richard Searle from Cochise County and he believes the other counties had already passed the Bylaws. Mr. Wengert stated he has attended the Eastern Arizona Counties meetings for the past 15 years and has never seen a meeting where elected officials weren't present and if that happened, they wouldn't hold the meeting. Mr. Wengert stated it has taken a couple years to get to this point and the other counties have approved the bylaws. Mr. Weller stated he has no disagreement with what Mr. Wengert has said has been the history but he also wanted to note that Mr. Wengert didn't claim any of the statements he made were false and it could move towards not having any elected officials there for the vote. Mr. Weller stated he is concerned because the bylaws are the foundation of the operation and can be modified quickly once bylaws start being passed. Mr. White moved approval, seconded by Mr. Shirley. Motion passed 2-1 with Mr. Weller voting nay.

Milton Ollerton, Community Development Director, stated following a public hearing, discussion and possible Approval of a Reversion to Acreage to allow Argolding, LLC to revert the Skyline Ranch Subdivision from 71 parcels to 5 parcels. Property is located near Vernon, parcels 106-83-001 through 106-83-071 and Planning & Zoning Commission voted unanimous approval. Mr. Ollerton stated the subdivision ordinance requires a public hearing where there is a reversion to acreage. Chairman Shirley opened the floor for a public hearing. There was no member of the public wanting to speak.

Supervisor Weller stated he received calls of concern about this item and when it approached the Planning and Zoning commission there were concerned citizens that were worried they were going to lose access to their home sites because they are not able to use road N3114, a road he attempted to adopt twice in the past because it affects so many citizens and without the ability to use road N3114 in any weather conditions they need to cut across these easements and the access road. Mr. Weller stated in speaking with the property owner regarding this modification, he was very pleased to see how cooperative he was and all the people associated with that organization and pleased to say the owner is going to work with the citizens that have been locked in to using that egress and access and are amenable to continue to allow that. Mr. Weller stated he would recommend those citizens meet with the property owner and possibly work out a mutual maintenance agreement to care for that particular road so it doesn't get into the condition that N3114 is in. Mr. Weller stated he drove the road and is exponentially better than N3114, but it has to have some maintenance to it and if people are going to use it, he suggests they also work with property owners to periodically have it graded and taken care of and commended the property owner for their willingness to work with the community.

Mr. White moved to close the public hearing portion of the item, seconded by Mr. Weller. Vote was unanimous.

Chairman Shirley called for action regarding the request for approval of a Reversion to Acreage to allow Argolding, LLC to revert the Skyline Ranch Subdivision from 71 parcels to 5 parcels, located near Vernon, parcels 106-83-001 through 106-83-071. Mr. White moved approval, seconded by Mr. Weller. Vote was unanimous.

Mr. Ollerton, Community Development Director, requested a public hearing for an appeal of the Verizon Wireless application to locate a 100' wireless monopole along with an associated 12' x 20' pre-fab equipment shelter. Property is located at Fire Station #2, 38974 Highway 373, in Greer, parcel 102-09-002C. Mr. Ollerton stated when the Planning and Zoning commission approves a conditional use permit it sits for 15 days where folks have an opportunity to file an appeal and if they choose to file an appeal then it is set as a public hearing with the Board of Supervisors and if they don't file an appeal, it goes on the consent agenda. Mr. Ollerton stated there were some folks who filed an appeal to have a public hearing with the Board of Supervisors. Mr. Ollerton stated the immediate neighbors to the proposed tower site have some concerns about the cell tower that is to be located next to the fire station. Mr. Ollerton stated the cell tower will be located in a meadow and the Planning & Zoning Commission talked with the applicant and neighbors about maybe disguising it as a pine tree but it would be the only tree in the meadow so it would still look awkward. Mr. Ollerton stated in the Planning & Zoning Commission meeting, it was discussed presenting the pole in a different way, such as a brown and rust type pole to help disguise it some but it will still stick out. Mr. Ollerton stated the Planning & Zoning Commission approved the tower with a 4-1 vote and included in the Board's packet is a letter from the one commission member who voted against who stated he is in favor of the project, he just wanted the neighbors to have an opportunity to discuss this further Verizon. Mr. Ollerton stated he facilitated that discussion and Verizon talked with neighbors trying to work out an agreement on how to mitigate some of the concerns they have.

Mr. Ollerton stated a condition of approval is the pole should be brown/rust in color, a block wall on the west and south side of the property installed by Verizon and should be installed as part of the application.

Mr. Weller stated he was at the Planning and Zoning Commission meeting that had some of the discussion and it was suggested that Mr. Ollerton advertise and have some public discussions and asked Mr. Ollerton how he facilitated the communications with the community. Mr. Ollerton stated he did not recall that he was asked to have public discussions; Verizon was asked to have public discussions and he isn't sure what they did. Mr. Weller stated Mr. Ollerton facilitated meetings and asked if he advertised them to the community. Mr. Ollerton stated he didn't; he facilitated discussions between Verizon and the neighbors. Mr. Weller asked Mr. Ollerton to describe the height, materials, etc., for the wall. Mr. Ollerton stated the Board could make it a condition of the application to require at least a six foot block wall since a wood fence would be more challenging and expensive to maintain, and chain link is not proper for that area.

Jeffrey Semrow, a resident of Greer, stated he has been in contact with Verizon and wished the cell tower would be voted down because it is an eyesore but is willing to compromise with a brown wall and rust colored cell tower which seems as appropriate as it can be, so he isn't in favor of the tower but is willing to compromise with a block wall around it.

Mr. Weller asked who is responsible for the cost of the wall. Mr. Semrow stated he believed Verizon would pay for the wall.

Reg Destree, representing Verizon, stated he spoke with Mr. Semrow and other neighbors regarding some things that could be done to mitigate their concerns and from those discussions came the wall fence that will cost about \$80,000 which Verizon will be paying for and will be working out the logistics with the fire district to ensure it is built as quickly as possible. Mr. Destree stated the wireless pole will accommodate other carriers so if some other company comes along in the future they would contribute to offset the cost of the wall.

Mr. Weller asked about the timeline for the wall. Mr. Destree stated the tower will not be built this year but the wall would go in about the same time the pole is built.

Mr. Weller moved to close the public inquiring, seconded by Mr. White. Vote was unanimous.

Mr. Weller moved to approve a conditional use permit to allow Verizon Wireless to construct a 100' wireless monopole along with an associated 12' x 20' pre-fab equipment shelter. Property is located at Fire Station #2, 38974 Highway 373 in Greer, parcel 102-09-002C with the following conditions: a six foot block brown fence constructed on the south and west sides of the Greer Fire Department, and the pole for the tower be rust or brown color and the commitment by Verizon that by the time the tower is constructed, the wall would be constructed and no delay in the wall construction and the cost of the wall is taken on by Verizon Wireless, seconded by Mr. White. Vote was unanimous.

Ferrin Crosby, County Engineer requested approval to award paving project for County Road 5101 to Hatch Construction, the lowest bidder at \$97.95 per ton in place at a total cost of approximately \$86,000. Mr. Weller moved approval, seconded by Mr. White. Mr. Crosby stated as part of the addendum included the Vernon Library which Ms. Pepple addressed earlier, a portion of that bid included a portion of the county road in front of the library parking lot for a cost of \$9,000 and wanted the board to be aware both of those bids were bid at the same time as part of the project. Vote was unanimous.

Angela Romero, Election Director, requested approval to hold a Special Election for the Concho Fire District Reorganization on March 8, 2016. Mr. Weller asked if this reorganization was to take the Board from a 3 to 5 member Board. Mrs. Romero stated yes. Mr. Weller moved approval, seconded by Mr. White. Vote was unanimous.

Angela Romero, Election Director, requested approval to hold the Special Election for the Concho Fire District reorganization as an "All Mail" Ballot Election. Mr. White moved approval, seconded by Mr. Weller. Vote was unanimous.

Angela Romero, Election Director, requested approval to publish the Call and Notice of Election for the Concho Fire District Reorganization to be held on March 8, 2016. Mr. Weller moved approval seconded by Mr. White. Vote was unanimous.

Angela Romero, Election Director, requested appointment of the tally board workers, replacement centers and drop boxes for the Concho Fire District Reorganization Special Election to be held on March 8, 2016. Mr. Weller moved approval, seconded by Mr. White. Vote was unanimous.

Treasurer Marleita Begay requested approval of a new line of revolving credit for Apache County in an amount of \$5,600,000.00. Ms. Begay stated this amount will be allotted to the County entities when needed and when a fund within the chart of accounts is in the negative and it requires to be brought back into the positive by a draw on the line of credit. Mr. Weller moved approval, seconded by Mr. White. Vote was unanimous.

School Superintendent Barry Williams, requested approval of an Intergovernmental Agreement between the Arizona Supreme Court, Apache County School Superintendent, the Apache County Superior Court through the Juvenile Court, the Navajo County Board of Supervisors, the Navajo County School Superintendent, and the Navajo County Superior Court through the Juvenile Court to define the post termination responsibilities relating to juvenile detention education services stemming

from the closure of the Apache County Juvenile Detention Facility. Mr. Weller moved approval, seconded by Mr. White. Mr. Weller and Mr. Williams held a discussion why the agreement is for only a short time. Mr. Williams stated there will be an amendment to the agreement coming in October. Vote was unanimous.

Lance Spivey, on behalf of the Sheriff's Office, requested approval to accept the Emergency Management Performance Grant (EMPG) Grant #EMW-2015-EP-00048, in the amount of \$135,174. Mr. White moved approval, seconded by Mr. Weller. Vote was unanimous.

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

Mr. White moved to adjourn, seconded by Mr. Weller. Vote was unanimous.

Approved this 1st day of September, 2015.

/s/ Joe Shirley, Jr.
Chairman of the Board

/s/ Delwin Wengert
Clerk of the Board