

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS SPECIAL MEETING
May 19, 2014
St. Johns, Arizona**

Present were, Chairman of the Board Tom M. White, Jr., and Supervisor Joe Shirley. Also present, County Manager/Clerk of the Board, Delwin Wengert and County Attorney Michael Whiting. Vice Chairman Barry Weller was not available due to travel. Chairman White 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. Lorraine Vaught gave the Invocation.

Ferrin Crosby led the Pledge of Allegiance.

Chairman White called for the Jail District items.

Chairman White asked if Mr. Weller was available by telephone. Mr. Wengert stated no. Mr. White asked where he was at. Mr. Wengert stated that he is on a airplane.

Brannon Eagar, Chief Deputy Sheriff, requested approval of an Intergovernmental Agreement between Apache County Jail District and Graham County to house their inmates on an as needed basis. Brad Grower, a resident of Apache County asked about the transportation costs involved. Chief Eagar stated that transportation costs were the responsibility of Graham County. Mr. Shirley moved approval, seconded by Mr. White. Motion passed.

Mr. Shirley moved to adjourn the Jail District meeting, seconded by Mr. White. Motion passed.

Chairman White called for the regular agenda items.

Mr. White stated that the item for District III Supervisor for discussion and possible action on returning the "Call to the Public" as the first order of business after the Pledge of Allegiance and prayer for the bi-monthly Apache County Board of Supervisors' meeting. Mr. White stated that Mr. Weller was not here for this item but wanted the public to know that he is bringing call to the public back at the next meeting and will be placed at the end of the agenda. Brad Grower, a resident of Apache County asked to speak. Mr. Wengert stated that if Chairman White was removing the item there was no need for discussion. Mr. White stated that there would be no discussion. Mr. Grower and Mr. White held a discussion regarding not letting the public speak on removing the item from the agenda. Chairman White removed the item from the agenda.

Milton Ollerton, Community Development Director, presented the agenda item after a public hearing, following a possible executive session for legal advice pursuant to A.R.S. 38-431.06 (A)(3), consideration and possible approval of the Greer Zone Map designating only those properties listed as Greer Commercial Resort. Mr. Ollerton stated that these are existing businesses that have operated under a non-conforming use or conditional use and are now being designated as a specific zone.

Mr. Ollerton provided an overview of the issue and stated that Mr. Weller could not be here today and asked that the issue be postponed until he could be here but if not, Mr. Weller's statement was to be read. "Mr. Weller wants all to know that he has been engaged in this issue for more than 6 months and has received no less than 35 separate individual requests, from tax payers, to look

closely at the Parcel of controversy and not support it if it is deemed to be without merit to be classified a GCR. Of the more than 35 individuals taking the time to express their specific and substantive concerns many have communicated in writing several times. There have been numerous meetings with Mr. Weller and with county personnel and citizens in the area to dig into the details of this issue. There has been no communications to Supervisor Weller's office from a single supportive citizen to approve the controversial parcel. Mr. Weller has asked for and received one visit from the council of the controversial parcel owner who presented only one new piece of tangentially relative information in that meeting. That information has since been placed into question as to its importance or true relevance to the decision before us. Additionally the item was not unanimous when it was forwarded to our Board from the Planning and Zoning Commission which adds a level of concern. Although there are several politically sensitive matters that can be put forth as potentially important such as: Previous commercial use, private property rights, county actions creating misleading understandings etc., or threats of litigation and fear tactics, It is my opinion that, we as elected officials, need to root out the right thing to do legally when possible and deal with any consequences created by potentially wrong decisions in the past. We are, in my opinion, elected to see through the rhetoric and find factual truth when possible. Without the benefit of hearing the final discussions and input at the meeting on the 19th, I can only state the following: At this time the legal opinion presented by our county attorney's office, as compared to all the facts presented to me over the past several months, appears to me to do nothing more than take a politically comfortable position and does not clearly show what is legal or not. After reviewing the evidence presented to me, I believe the county is at more risk long term, financially and ethically, if they decide to approve the controversial parcel in the GCR. I realize that I have no vote in this matter since I cannot attend on the 19th and I know of no proxy system for our Board but I did want my general concerns to be heard." Mr. Ollerton stated that this issue has been noticed in the paper and in speaking with the County Attorney's Office he decided to move forward with the item today since it has already been delayed and would be a lengthy process to bring it back for consideration.

Chairman White stated that an Attorney for Apache County, Joe Young was on the telephone and as requested by Mr. Weller, Scott Rose was also on the line representing the Greer Coalition. Chairman White stated that this is an ongoing issue since January of this year and to postpone it would not do any good since it would again delay it another several months and unfortunately Mr. Weller is not here to participate in the discussion but he is going to move forward with the item and opened the floor for the public hearing and limited the time to 3 minutes per person and a maximum of 10 speakers in opposition and 10 in support on the issue.

David Bennett, a resident of Greer, stated that he is representing 175 property owners through the Greer Coalition and outlined his reasons for not wanting this approved.

David Martin, an Attorney representing the Greer Coalition expressed the reasons why the zoning designation should not be approved or at least table the item so that Mr. Weller could participate since he spent a good deal of time studying this issue.

Scott Rose, an attorney for the Greer Coalition, requested the zone designation be denied and outlined his reasons for the requested denial.

John Freeman, a resident of Greer and co-president of the Greer Coalition, outlined why the zone designation should be denied by the Board.

Bradley Grower, a resident of Apache County stated that multiple opinions by multiple people should be allowed in a public hearing in Apache County. Mr. Shirley stated that Mr. Grower is not

addressing the public hearing issue. Mr. White stated that unless Mr. Grower only addressed the item that is before the Board, he was not going to allow him to continue.

David Brown, representing the applicant, Doug Sandahl, addressed the Board and stated that he was here in favor of the applicant as well and hundreds and hundreds of properties his family owns and the thousands of acres of property he represents for his clients that are interested in growth and development in Apache County. Mr. Brown provided an overview of the history of the subject parcels and outlined why he believed the zone designation should be approved by the Board.

Chairman White closed the public hearing. Mr. Shirley stated that tries to do right by the people and he believes that this is a property rights issue and property rights are a sacred thing and people have a right to do what they want with their property and it appears that the County Manager, Planning and Zoning and the County Attorney have done their job and everything is in order and moved to approve. Mr. White stated that the County is in need of development and seconded by Mr. White. Motion passed.

Mr. Wengert presented the **Consent Items A-C** and recommended approval. Mr. Shirley moved approval, seconded by Mr. White. **County Manager/Clerk of the Board: A.** Request approval of minutes dated May 6, 2014. **B.** Request approval of demands dated May 6, 2014 to May 19, 2014. Demands are payments made by the County. Specific details of the demands may be requested through the County public record request process. Payee Amount APACHE COUNTY MEDICAL 146,906.00 APACHE COUNTY TAX WITHHOLDING 128,875.15 AZ STATE RETIREMENT SYSTEM 84,301.18 COLONIAL LIFE AND ACCIDENT INS 1,291.45 CORRECTIONS OFFICER RET PLAN 8,767.65 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,205.94 MUTUAL OF OMAHA 1,262.02 NATIONWIDE 1,605.00 PUBLIC SAFETY PERSONNEL 401 13,825.82 PUBLIC SAFETY SHERIFF RET 29,051.58 SECURITY BENEFIT GROUP 1,371.00 SUPPORT PAYMENT CLEARINGHOUSE 2,502.08 TRINITY SERVICES GROUP INC 17,487.68 ALLIED FIRE PROTECTION INC 10,524.35 ALPINE EXCAVATION & CONST CO 12,559.50 ARIZONA DEPARTMENT OF WATER RESOURCES 6,000.00 BAKER'S OFFICE CITY 3,258.89 BILLS DISCOUNT AUTO PARTS (NAPA) 3,311.33 BRADCO 5,714.37 BRAUN NORTHWEST INC 13,366.41 BREWER LAW OFFICE PLLC 2,975.50 CRESCENT ELECTRIC SUPPLY CO 1,480.31 DAVID J MARTIN PLLC 1,759.40 DELL COMPUTER CORPORATION 4,034.58 DESERT MOUNTAIN CORPORATION 6,785.86 DEWITT, COLLIN J 1,600.00 EMPIRE MACHINERY 1,190.23 EZE TRAILER AND BOAT SALES 1,236.09 FERRELLGAS 1,748.89 GOLIGHTLY TIRE 4,500.00 INGRAM LIBRARY SERVICES 1,605.94 INLAND KENWORTH INC (FARMINGTON) 2,737.76 JCG TECHNOLOGIES IN C 11,879.91 LAW OFFICE OF MARSHA GREGORY 8,500.00 MACCAFERRI INC 7,793.80 NAVOPACHE ELECTRIC COOPERATIVE 1,930.51 OVERDRIVE INC 3,117.50 PACIFIC PONDEROSA CO INC 1,225.92 PATTERSON II, GL 1,177.00 QUILL CORP 4,996.54 RDO EQUIPMENT CO 1,101.12 RIM COUNTRY MECHANICAL 5,978.90 S & S WORLDWIDE INC 1,203.92 ST JOHNS EMERGENCY SERVICES 1,104.14 STANLEY SECURITY SOLUTIONS INC 19,835.26 THE WOOD LAW OFFICE (RONALD WOOD) 2,222.00 THOMSON REUTERS WEST 1,138.41 TYLER TECHNOLOGIES INC 3,255.00 VERITAS RESEARCH CONSULTING 2,343.53 VERIZON WIRELESS 1,436.91 WAGNER EQUIPMENT CO 1,145.37 WILLIAMS LAW GROUP PLLC 8,500.00 YAVAPAI COUNTY GOVERNMENT 5,000.00 SHIRLEY, JOE Junior 1,168.89 AZ DEPT OF RISK MANAGEMEN 2,296.57 APACHE COUNTY RODEO COMMITTEE 5,000.00 AMIGO CHEVROLET 3,792.76 ARIZONA STATE FORESTRY DIVISION 2,022.24 ASHTONS REPAIR INC 1,596.21 AZLGEBT 292,830.61 BAKER'S OFFICE CITY 3,242.03 BAUMAN HOME AND AUTO INC 1,351.77 BLUE HILLS ENVIRONMENTAL 1,603.01 BUDGET BLINDS 1,082.62 DELL COMPUTER CORPORATION 1,461.80 DIAMOND DRUGS INC 3,702.95 EMPIRE MACHINERY 2,317.02 FRONTIER 1,040.54 FRONTIER 1,721.66 FRONTIER 1,015.79 GRAND CANYON HARLEY DAVIDSON 24,281.52 HATCH CONSTRUCTION 22,795.23 HILLYARD INC 3,567.44 IT1 SOURCE LLC 4,135.73 KATHLEEN M MCGUIRE PSY D

LLC 1,927.50 MESA ENTERPRISES INC 2,346.16 NAVOPACHE ELECTRIC COOPERATIVE 19,985.02 NORTHLAND PIONEER COLLEGE 334,637.00 QUILL CORP 1,476.34 SCHIFF, LAURENCE 2,000.00 SHELL OIL 1,226.51 ST JOHNS CITY 3,643.15 STAFFNIK, JAMES G 1,050.00 STAPLES CREDIT PLAN 2,090.85 THE UNIVERSITY OF ARIZONA 6,250.00 TIFCO INDUSTRIES 1,720.18 TOWN OF EAGAR 8,076.83 TWELVE FORTY ONE GRADING INC 31,000.00 TYCO INTEGRATED SECURITY LLC 9,847.94 UNIVERSAL FLEET CARD 2,485.16 VERITAS RESEARCH CONSULTING 1,600.00 WOODLAND BUILDING CENTER 3,244.48 YOUNGS FUTURE TIRE 3,811.50 APACHE COUNTY TAX WITHHOLDING 1,015.57 **Community**

Development: C. Request approval of a request to waive the permit fees for a Temporary Use Permit for Greer Civic Association, a non-profit organization to hold Greer Days, an annual community event in Greer, June 13-15, 2014. Motion passed.

Ferrin Crosby County Engineer, requested approval of a 5 year contract extension with Salt River Project extending the terms of the contract for the purchase of limestone material. Mr. Shirley moved approval, seconded by Mr. White. Motion passed.

Ferrin Crosby, County Engineer, requested approval to apply for Resource Advisory Committee (RAC) funds for County Road 3140 and County Road 4140 for the application of magnesium chloride. Mr. Shirley moved approval, seconded by White. Motion passed.

Ferrin Crosby, County Engineer requested approval to purchase a new 2014 Murray Professional 16 tire lowboy with trade-in of 1999 Eager Beaver 50 ton lowboy, for District II using HURF through National Intergovernmental Purchasing Alliance (NIPA) Contract #120377. Mr. Crosby stated that the purchase price of 1,350.00 minus trade-in value of \$21,000 plus taxes and fees for a total of \$84,467.50. Mr. White stated that the lowboy they have is no longer safe so that was the reason for the purchase. Mr. Shirley moved approval seconded by Mr. White. Vote was unanimous.

Mr. Shirley moved to adjourn, seconded by Mr. White. Motion passed.

Approved this 3rd day of June, 2014

/s/ Tom M. White, Jr. /s/ Delwin Wengert
Chairman of the Board Clerk of the Board