



Approval June 1, 2023

APACHE COUNTY COMMUNITY DEVELOPMENT
P. O. Box 238
St. Johns, Arizona 85936
Phone: (928) 337-7526

PLANNING AND ZONING COMMISSION
MINUTES FOR May 4, 2023

In Attendance:

Commissioners

Dan Muth, Chairman
Oscar Miranda, Vice-Chairman
John Freeman
Kay Hauser
Carey Dobson (Absent)
Bobby Fite
Brad Peterson (Absent)
Traegen Knight
Brad Jarvis (Absent)
Michael Bragiel

Staff

Matthew Fish, Director
Shanna Pearce, Plan Reviewer
Ruben Aranda, Code Enforcer
Roxanne Drye, Appraiser III

Working Lunch Session

No working lunch session.

Regular Meeting

Call to Order.

Chairman Dan Muth called the public meeting to order at 1:00 p.m.

Roll Call/Determination of a Quorum.

Chairman Dan Muth determined a quorum was present by roll call, seven (7) commissioners present as noted above.

Call to the Public

No public comment(s).

Approval of the minutes from the April 6, 2023 meeting.

Chairman Dan Muth opened for a motion and discussion.

Chairman Dan Muth called the question.

Vice-Chairman Oscar Miranda motioned to approve.



Commissioner Kay Hauser second the motion.

No Discussion

Vote, 5 ayes to 0 nays with 2 abstention, Chairman Dan Muth and Commissioners Traegen Knight were not present at the meeting.

Motion Carried

Report from Staff to the Commission.

Mr. Fish advised the commission that staff and the county attorney's office has had ongoing discussions regarding Article 24, and it was decided to wait four (4) to six (6) months before making any changes to see if any legal challenges arise by the new state law.

Mr. Fish informed the commission that June's agenda was light but there would possibly be some training in the work session. July's agenda expected to be busy; revisit the conditional use permit for Fred Gomez in Alpine, there were a couple of minor plat amendments, and perhaps another conditional use permit for a cell tower.

Mr. Fish honored Commissioner John Freeman, presented him with a plaque and jacket, and thanked him for his years of public service on the Planning & Zoning Commission.

Mr. Freeman thanked Mr. Miranda for his challenge coin.

Marcus Clark Greer, AZ acknowledged and thanked Mr. Freeman for his public service on the commission and in the community. He also thanked the commissioners for their service.

Commissioners thanked Mr. Freeman for his service and shared their personal experiences of serving with him.

Mr. Freeman noted that it has been a privilege to serve and to help improve the conditions in Greer, the unincorporated communities of the county, Apache County as a whole, and to get to know and to work with the member. He noted that during his service he had moved from a position of distrust and extreme skepticism about this commission and the members to one of understanding observing the honor and integrity they had in their personal actions to serve the public.

Mr. Freeman provided some background of his service on the commission and in the community, he noted that sometimes the services seemed like episodes from the show survivor. He noted that most of their efforts surrounded residential property rights and values including establishing concepts and processes. He also commented on the CHAT GPT program mentioned by Mr. Clark and noted the benefits it would provide, he felt it would be extremely useful for the entire Commission.



He shared some recollections and critical thinking from over the years with the intent to encourage the commission to make constructive use of their time and hoped that the commission would move forward with a focus on support of the ordinance and its intent.

Mr. Freeman believed the record showed that applicants, directors, some commissioners, and others of public trust had misled the commission both by misrepresentation of fact or omission of fact necessary for the active consideration of lawful zoning, policy development, or conditional use permits. He also noted that some directors allowed their own personal biases to generate inaccurate staff reports intended to guide commissioners and that some directors had been tampered with, directed, and instructed to guide those efforts by others. He also noted that the major role of the County Attorney was to intercept and intercede and guide the commission away from questionable legal issues and make affirmative statements preventing the commission from unlawful access he added that although he had appreciated the discussions it wasn't clear there was a positive track record.

Mr. Freeman shared his concerns that could affect the welfare and integrity of the commission and the county, a matter of consciousness and responsibility. A Planning and Zoning Commissioner, whom he believed was a legal and financial liability to the commission, the board of supervisors, and the county. He believed this commissioner was both personally and professionally financially conflicted in his abilities to adequately do his job as a commissioner. He believed that over the years this commissioner has sought to directly act in a manner contrary [inaudible] ordinance, regulations [inaudible] issues and topics and had used his position as a commissioner to unlawfully represent and advance his personal financial position, consequently putting at risk the interest of others and the county associated with his actions. He believed that this commissioner's professional, personal, and financial conflict as a real-estate agent in one of the most active agencies in the valley, by his unlawful acts in attempts to undermine established zoning laws, policies, and safeguards for Apache County citizens had demonstrated an ideology behavior counter to the requirements of the planning and zoning commission. Mr. Freeman's opinion was that with his personal, professional, and financial conflict he should be removed by whatever means necessary from the commission, as a commissioner he would be seen as an extreme financial interest.

Mr. Freeman advised that he had shared these recollections and thoughts not as criticism but as references to encourage the commission to make constructive use of their time and he hoped that the commission would move forward and focus on support of the ordinance and its intent. He hoped that the commissioners would look back upon the commission's accomplishments with pride and step forward in a positive direction for this community and would continue to accept and support the ordinances that shaped the content and quality of decisions.

Mr. Freeman acknowledged individual staff members and commissioners and their contribution to the commission and county.

Mr. Freeman concluded; you do the best you can do for the things that you care about. He appreciated the commission and staff for their patience and consideration and stated that it had been an honor serving with them.



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Adjournment.

Chairman Dan Muth opened for a motion to adjourn.
Commissioner Brad Peterson motioned to adjourn.
Commissioner Kay Hauser second the motion.

Adjournment 1:50 p.m.