

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
November 15, 2016
St. Johns, Arizona**

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

Vice Chairman White called to order the Board of Supervisors meeting at 8:31 a.m. in the Board of Supervisors chambers, County Annex Building, 75 West Cleveland Street, St. Johns, Arizona, and welcomed all in attendance.

SueAnn Collins-Stradling gave the invocation.

Robert Mackenzie led the Pledge of Allegiance.

Vice Chairman White called for the Public Health Services District items.

Chris Sexton, Health Director, requested for approval of AzNN SNAP-Ed Grant, Amendment #1 ADHS16-106455 extending the termination date to September 30, 2017 in the amount of \$70,000 for a nutritional education for students and no match is required. A discussion was held regarding when educating children on nutrition became a County responsibility. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Chris Sexton, Health Director, requested the item for an Intergovernmental Agreement Emergency Preparedness Program, Amendment #1, ADHS17-133163 which revises Scope of Services Attachment A and B and revises price sheet regarding ZIKA supplemental funding in the amount of \$25,870 be removed from the agenda. Vice Chairman White removed the item.

Chris Sexton, Health Director, requested approval of the Apache County Contract for Alternative Medical Examiner services with Dr. Scott Hamblin, effective April 1, 2016. This has been budgeted for in FY16 and FY17. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Mr. Weller moved to adjourn the Public Health Services District, seconded by Mr. White. Motion passed.

Vice Chairman White called for the regular agenda items.

The Board of Supervisors sat as the Board of Equalization to consider the following Petitions for Notice of Change determinations heard by Hearing Officer Charles Johnson on November 9, 2016.

Mr. Weller made the motion to accept hearing determination of Notice of Change Petition for Paul Dicken, parcel 101-61-019. Mr. White seconded the motion. Motion passed.

Mr. Weller made the motion to accept the hearing determination of Notice of Change Petition for D.L. Finestead Family Trust, parcel 102-56-053B. Mr. White seconded the motion. Motion passed.
The Board sat as the Board of Supervisors.

Mr. Wengert presented the **Consent Agenda Items A, B and C**. Mr. Weller moved approval, seconded by Mr. White. Mr. Weller stated he has not received all the information he requested associated with the banking accounts the county attorney manages and also has not received the information promised by the Finance Department on reconciliation and statements for those bank accounts so he remains unfulfilled in his request. **County Manager/Clerk of the Board: A.** Request approval of demands as distributed to the Apache County Board of Supervisors between November 1, 2016 and November 15, 2016. Demands are payments made or to be made, by the County. Payee Amount RICO MOTOR COMPANY INC 9,250.00 AUGER CANYON ENTERPRISES INC 4,547.55 AZ DEPT OF ECONOMIC SECURITY 5,697.51 BENDER, JUDITH A 6,300.00 BRADCO 13,527.89 CATERPILLAR FINANCIAL SERVICES CORPORATION 25,393.01 CORONADO LAW FIRM PLLC 1,622.00 CREATIVE MULTIMEDIA INC (CMI) 23,127.50 DATABANK IMX LLC 8,861.76 ELECTIONS SYSTEMS AND SOFTWARE 12,415.59 GOLIGHTLY TIRE 1,220.59 HILLYARD INC 2,291.93 INGRAM LIBRARY SERVICES 3,692.88 NATIONAL BANK OF ARIZONA 0160 1,942.14 NATIONAL BANK OF ARIZONA 1488 1,341.70 NATIONAL BANK OF ARIZONA 0202 1,770.99 NATIONAL BANK OF ARIZONA 1686 3,891.47 NAVAJO TRIBAL UTILITY AUTHORITY 1,657.59 NAVOPACHE ELECTRIC COOPERATIVE 2,473.74 NUTRIOSO LOGGING 10,000.00 OGDEN, JOHN MARK 8,243.10 PROFORCE LAW ENFORCEMENT 3,231.13 QUILL CORP 2,533.33 R AND B TREE REMOVAL 8,240.00 ROSS, RYAN THOMAS TAYLOR 1,475.67 SHI INTERNATIONAL CORP 1,676.90 ST JOHNS CITY 10,325.19 STIRLING FENCE INC 9,880.00 THE AARONS COMPANY LLC 6,000.00 UNIVERSAL FLEET CARD 2,530.26 VALLEY AUTO PARTS 1,399.04 VERIZON WIRELESS 1,099.09 Shirley, Joe Junior 2,086.33 Rogers, Kent 1,133.27 Stradling, Reed 1,437.00 Chavez, Lillian C 1,071.35 King, Walter Scott 1,187.89 Begay, Timothy 1,024.15 Burbank, Lorenzo 1,077.54 APACHE COUNTY HSA 1,862.91 APACHE COUNTY MEDICAL 147,204.41 APACHE COUNTY TAX WITHHOLDING 130,702.99 ASRS LEGACY EORP 1,010.45 AZ STATE RETIREMENT SYSTEM 89,452.13 COLONIAL LIFE AND ACCIDENT INS 1,404.17 CORRECTIONS OFFICER RET PLAN 5,814.18 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,360.82 PUBLIC SAFETY PERSONNEL 40111,393.58 PUBLIC SAFETY SHERIFF RET 42,041.24 SUPPORT PAYMENT CLEARINGHOUSE 2,212.13 ALLEGRA 4,747.43 AMIGO CHEVROLET 1,372.15 AZ BRAKE & CLUTCH SUPPLY 2,593.29 AZ COUNTIES INSURANCE POOL 9,382.74 AZ DEPT OF HEALTH SERVICES 1,355.00 BELOTE, SIERRA NICOLE 1,650.00 BILLS DISCOUNT AUTO PARTS (NAPA) 1,883.61 BLACK DIAMOND AUTO GLASS II 2,286.74 BLUE HILLS ENVIRONMENTAL 30,104.58 CHANGEPOINT INTEGRATED HEALTH 10,440.00 DAVID'S PROFESSIONAL FIRE SYSTEMS INC 1,655.00 DELL COMPUTER CORPORATION 1,132.21 DESERT MOUNTAIN CORPORATION 17,352.12 EMBASSY SUITES 1,449.87 EMPIRE MACHINERY 3,682.54 ERNIES FIRE EXTINGUISHER 2,464.00 FLEET PRIDE 1,826.12 FRONTIER 1,757.85 HOTSY OF THE FOUR CORNERS 1,425.25 JENNINGS HAUG & CUNNINGHAM LLP 4,015.00 LOOMIS 1,084.63 NAVAJO TRIBAL UTILITY AUTHORITY 2,145.57 NAVOPACHE ELECTRIC COOPERATIVE 7,367.64 NEW IMAGE AUTO BODY INC 1,777.37 PFIZER INC 3,191.50 QUILL CORP 3,174.45 REDW LLC 1,745.25 ROMERO, DAVID JULIAN 1,221.32 SANOFI PASTEUR INC 3,971.54 SHOW LOW FORD INC 33,905.35 SOUTHWEST ROCK PRODUCTS LLC 3,866.89 TRINITY SERVICES GROUP INC 18,620.22 TYCO INTEGRATED SECURITY LLC 16,464.81 VALLEY AUTO PARTS 1,009.88 WAGNER EQUIPMENT CO 1,030.11 WESTERN EMULSIONS INC 165,273.24 YAZZIE, ERIC N 2,486.28 AZ DEPT OF RISK MANAGEMENT 1,076.92 BENDER, JUDITH A 5,075.00 HD SUPPLY CONTRUCTION AND INDUSTRIAL WHITE CAP 3,091.68 EMBASSY SUITES 5,910.27 Specific details of the demands may be requested through the County public record request process. **B.** Request approval of minutes dated October 24, 2016 and November 1, 2016. **C. District II:** Request approval for purchase hams, turkeys or roasts for the Nazlini, Sawmill and Tsaille Senior Citizen Centers, at a total cost of \$1,700. Motion passed.

Malena Bazarro, Grants Manager, requested approval of a Crew Use Agreement between Arizona State Forestry and Apache County for Hall Creek Phase Two of the United States Forest Service (USFS) RAC Grant 2016. This Agreement covers thinning along the Owens property in Greer at a cost of \$35,000 to be paid using USFS RAC funds. Mr. Weller moved approval, seconded by Mr.

White. Mr. Wengert commended Ms. Bazurto and Mr. Doyel Shamley for the good work on the Owens thinning project which was 800 acres of private property that generated roughly 500 loads to local sawmills. Mr. Wengert stated this project is like that and protects Greer from wildfire and creates work for local contractors. Motion passed.

Mr. Wengert, on behalf of the Election Department, requested the recommendation of the Republican Party County Chairman, Thomas Samoff, determine vacancies exist in the office of precinct committeeman and appoint the following: For Vernon Precinct: Mike Humphrey and Irene Humphrey for the Nutrioso Precinct: Roger Smith and Jessie Tanner Smith, for the Concho Precinct: Barry Weller, for the St. Michaels Precinct: Wilson Deschine, and for the Round Valley Precinct: Dorothy D. LeSueur be tabled. Vice Chairman White tabled the item.

Ferrin Crosby, County Engineer, requested approval of a contract extension and change order with Creative Multimedia Inc. for parcel maps signs and rural addressing. A discussion was held regarding the contract services. Mr. Crosby stated the project is 75% complete and should be done within the next two years. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Ferrin Crosby, County Engineer, requested approval to enter into a Resource Advisory Committee (RAC), Road Project Agreement with the United States Department of Agriculture (USDA) Forest Service, Apache Sitgreaves National Forest and Apache County, Agreement #17-RO-11030115-001. Mr. Weller moved approval, seconded by Mr. White. Motion passed.

Devon Brown, Community Development Director provided an update from the Community Development Director and/or participants regarding the outcome of discussion between applicant for approval of a motocross track in Eagar and residents on opposition to the track followed by action on the application. Mr. Brown stated there has been a lot of public input on why they would not want they type of business in their area but as far as the government making a decision on this, that cannot be the standard; it must be based on the health, safety and welfare of the public so looking at noise, property values or dust, the issues need to be to a substantial enough level or degree that it warrants government restriction on private property. Mr. Brown stated the Board can deny the application but there are gaps in the ordinances, so the applicant can invite friends, build ramps and ride all day long because there is not a noise ordinance in the county. Mr. Brown stated there are ADEQ regulations on dust and possible criminal laws like public nuisance, but as far as county restrictions, if we tell the applicant no, she can still build ramps and ride motorcycles all day. Mr. Brown stated the Planning and Zoning Commission recommended approval with restrictions and those restrictions are geared toward dust and noise; things that would affect public health, safety and welfare and recommended approval with those same conditions.

Mr. Weller and Mr. Brown held a discussion regarding the application process and the meetings that were held regarding the application. Mr. Weller asked if Mr. Brown had received a ruling on the posting issue associated with the application. Mr. Brown stated he would have to defer to the county attorney for a ruling and explained where how the property was posted for the public meeting and believes the posting complied with notifying the public. Mr. Weller stated the ordinance states the property be posted within a quarter mile and the posting location exceeded the distance of that requirement. Mr. Brown stated the posting location issue was why he felt holding another neighborhood meeting would resolve any issues of due process. Mr. Brown stated he also planned to put it in the newspaper but there was pressure from Mr. Weller not to wait for the newspaper posting, so the meeting was held without notice in the paper but he told the Mayor of Eagar and city officials in Springerville and that brought more public participation. Mr. Weller stated he did ask Mr. Brown to move toward a decision because of the direction given at the last board meeting by the

board; the board didn't say go have a public meeting.

Mr. White opened the floor for comment.

Ken Pellicciaro, a resident near the proposed motocross track stated he is opposed to approval of the track due to negatively affecting the value of his property.

Terry Wagner, a resident of Springerville, stated the application process has been flawed from the beginning and asked the Board to disapprove the application.

Nick White, a resident of Springerville, stated he has concerns with a motocross track in his Neighborhood and threatens his property value.

Vivian Figueroa, a resident of Eagar, asked the Board to deny the motocross application due to dust issues.

Nancy Golightly addressed the Board and provided a map of the proposed motocross project and stated the motocross is in a flood plain area and indicated on the map the areas that have been dug out. Ms. Golightly stated the proposed project is near archeological ruins that may be affected by the construction necessary to build the motocross jumps.

Alexa Finch, the application for the proposed motocross track stated there are no restrictions on what she does on her personal property and there are no regulations regarding dust. Ms. Finch stated she has gone through the process that was required of her for her application and is filed correctly. Ms. Finch stated she is hoping to bring revenue to the area and understands this will affect people's property values but whether the permit is approved or not, she bought the ten acres in a commercial area and it is her personal property that has no restrictions for this type of business.

Mr. Weller stated from his perspective, the application process was flawed and was hoping Ms. Finch would have provided more information relative to understanding the property value impact, plans for noise and dust control.

Ms. Finch stated according to Kachina Realty, in the past four months, there have been four pieces of property sold within a quarter mile of the area of the motocross track with plans for more to be purchased. Ms. Finch stated in regard to the Indian artifacts in the area, it is interesting to her that none of the people cared about the ruins when they were digging the footing for their homes.

Mr. Weller asked Ms. Finch if she had any plans for noise and dust control. Ms. Finch stated if the permit is approved, she has a water truck on site, is looking into noise abatement fencing with a 9 am to 9 pm timeframe, and will hold approximately eight events per year. Mr. Weller stated there was a recent video made by a local person showing two or three people utilizing the track recently which depicted a very large dust cloud and noise which carried a long distance and he is concerned with those issues.

Mr. Weller stated he is concerned with the process that has taken place; if the ordinance was followed there would have been more discussion held and would have been more stringent when it was taken before the Planning and Zoning Commission. Mr. Weller stated the Board has heard more

information than the commission had and understands people's property rights so he has appreciated the discussion. Mr. Weller stated this is a significant impact to the community and has seen documentation and a real estate agent indicated property values will be negatively impacted. Mr. Weller stated he has not receive anything substantive from the applicant that counters the publics concerns and issues with the track but he needs to see some data before he can be convinced to allow this to go into the community. Mr. Weller stated he is concerned with the wording Mr. Brown used might be interpreted as approval by the county and the land owner can do what she wants on the property and as Mr. Brown also mentioned there are other laws associated with activities done in public on private property and whatever takes place still falls under those laws. Mr. Weller stated he does not see any reason to send it back to the Planning and Zoning Commission and is before the Board for approval or disapproval. Mr. Weller made the motion to not approve the application because of the significant impact to the community in several ways; mainly property value, noise and dust abatement that he does not believe can be accomplished with an economic benefit to the participants, seconded by Mr. White. Motion to disapprove passed.

Mr. Wengert presented notification of Eastern Arizona Counties meeting at 3:00 p.m. on November 16, 2016 and the County Supervisors Association meeting on November 17, 2016 at 10:00 a.m., where two or more members of the Apache County Board of Supervisors may be in attendance.

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

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

Approved this 6th day of December, 2016.

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

/s/ Delwin Wengert
Clerk of the Board