

**OFFICIAL PROCEEDINGS OF THE APACHE COUNTY
BOARD OF SUPERVISORS MEETING
September 20, 2016
St. Johns, Arizona**

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

Chairman Shirley 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.

SueAn Collins gave the invocation.

Keli Sine-Shields led the Pledge of Allegiance.

Chairman Shirley called for the Library District items.

SueAn Collins, Library Director, requested approval of community representatives, proposed budget and Strategic Planning Process for the Alpine Public Library. Mr. Weller moved approval, seconded by Mr. White. Vote was unanimous.

SueAn Collins, Library Director, requested the item for the St. Johns Public Library to accept the donation of a 48 star United States Flag from Shawn Longfeather be removed from the agenda at this time. Chairman Shirley removed the item.

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

Chairman Shirley called for the Public Health Services items.

Keli Sine-Shield, Assistant Health Director, requested approval of an Agreement for alternative Medical Examiner services with White Mountain Regional Medical Center in the amount of seven hundred fifty dollars (\$750) for each external exam performed and four hundred dollars (\$400) for each record review, effective May 1, 2016 and has been budgeted for FY17. Mr. White moved to approve, seconded Mr. Weller. Mr. Weller and Mrs. Sine-Shields held a discussion regarding the position. 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 item.

Devon Brown, Community Development Director, presented the item for a public hearing followed by discussion and possible approval of a Conditional Use Permit to allow Alexa Finch with Mountain Motocross to construct a motocross track and hold special events such as mud bogs, free style show and various moto type races on a portion of 268.42 acre parcel (10.4 acres). Mr. Brown stated the property is located near Springerville, Arizona, parcel 104-26-002D and was approved by the

Planning and Zoning Commission on July 7, 2016 with conditions, by a unanimous vote. Mr. Brown provided an overview of the process that brought the item before the Board today, and outlined all nine conditions placed on the application by the Commission related to the proposed permit.

Chairman Shirley opened the floor for the public hearing portion of the item.

Dan Austin, a resident who lives near the proposed motocross track, expressed his opposition to the Board granting the permit.

Nick Burns, a resident near the proposed motocross track, expressed opposition to the permit being approved.

Terry Wagner, a resident near the proposed moto track, expressed his concerns with the noise levels related to the motocross track and expressed his opposition of the permit being approved by the Board.

John Bennett, a resident in the area of the Motocross stated he is opposed to a motocross track in his neighborhood and is concerned with the noise levels, traffic and fumes generated by the motorcycles.

Dale Hall, a resident close to the proposed motocross track, stated he would think there is a better location to place a track than where it is being proposed. Mr. Hall stated this will hurt the land values in the area and requested the Board of Supervisors oppose the track.

Alexa Finch, the applicant for the motocross track addressed the Board and stated she has a petition of over 100 signatures she obtained in the past week of people who are in support of the track. Ms. Finch stated the economy is in bad shape and believes the track will bring in revenue and help the economy.

Nancy Golightly, a real estate agent and resident of Apache County expressed her concerns with bringing a motocross into the area due to the noise it will create and how it will affect the property values. Ms. Golightly stated the Lyman Lake area would be better suited for that type of project.

Mr. Weller asked if it was due to a protest being filed that led to the public hearing today. County Attorney Joe Young stated an appeal was filed through the Planning and Zoning Commission which led to the public hearing being held today.

There was no one else wanting to address the Board. Mr. Weller moved to close the public hearing portion regarding the motocross issue, seconded by Mr. White. Motion passed.

Mr. Weller asked if the applicant would sit down with the people opposed to maybe work out some of the issues related to the project. Ms. Finch stated yes she was fine tabling the item to Work on some issues with the project. Mr. Weller and Community Development Director Devon Brown held a discussion regarding some of the issues related to the motocross project. Mr. Weller moved to table the item to allow the parties in opposition to set up a meeting with the Community Development Director, and until Mr. Brown feels it appropriate to bring it back before the Board of Supervisors for a final decision. Mr. White seconded the motion and stated if he voted today, it would be to deny the

application because he is aware of how much noise a moto cross track makes, and he would not want to live close to a track. Vote was unanimous.

Mr. Wengert presented the **Consent Agenda Items A. & B.** Mr. Weller requested each item be handled separately.

Mr. Weller stated **Consent Agenda 2-A.**, the demands as distributed to the Apache County Board of Supervisors between September 6, 2016 and September 20, 2016, he will be opposing the County Attorney's Office items related to the issues he has brought up in many previous meetings. Mr. White moved to approve the demands dated September 6, to September 20, 2016, seconded by Mr. Shirley. Payee Amount Shirley, Joe Junior 2,086.34 Rogers, Kent 1,133.29 Stradling, Reed 1,436.98 King, Walter Scott 1,187.89 Begay, Timothy 1,024.16 Bia, Tyler 1,144.10 Burbank, Lorenzo 1,507.44 Tsosie, Nicholas N 1,110.59 Bia, Johnnie Senior 1,155.47 APACHE COUNTY HSA 1,812.91 APACHE COUNTY MEDICAL 149,549.74 APACHE COUNTY TAX WITHHOLDING 134,108.05 ASRS LEGACY EORP 1,010.45 AZ STATE RETIREMENT SYSTEM 88,855.87 COLONIAL LIFE AND ACCIDENT INS 1,426.13 CORRECTIONS OFFICER RET PLAN 5,567.44 CORRECTIONS OFFICER RETIREMENT PLAN 520 4,208.97 NATIONWIDE 1,605.00 PUBLIC SAFETY PERSONNEL 401 11,393.58 PUBLIC SAFETY SHERIFF RET 44,555.78 SUPPORT PAYMENT CLEARINGHOUSE 2,053.64 AZ DEPT OF RISK MANAGEMENT 1,223.08 BCJA TRANSPORT LLC 5,690.67 BENDER, JUDITH A 6,900.00 D & H PETROLEUM & ENVIRONMENTAL SERVICES 6,729.23 EARTH MOVER TIRE SALES INC 3,406.54 EMPIRE MACHINERY 31,198.20 ERNIES FIRE EXTINGUISHER 3,870.00 FRONTIER 1,759.61 HILLYARD INC 1,450.03 HORNE AUTO CENTER INC 4,059.34 HUBBELL, ROCHELLE 1,396.62 INGRAM LIBRARY SERVICES 1,174.61 LATHAM, MICHAEL 1,629.97 MERCK SHARP & DOHME CORP 2,955.09 MO MONEY ASSOCIATES LLC 1,992.60 MOORE MEDICAL LLC 1,200.80 NATIVE ENVIRONMENTAL LLC 19,514.74 QUILL CORP 2,077.40 SHUPE, ARTHUR H 1,556.16 ST JOHNS CITY 3,007.65 ST JOHNS CITY 8,682.20 THE AARONS COMPANY LLC 3,000.00 VALLEY AUTO PARTS 2,576.49 VERITAS RESEARCH CONSULTING 1,040.00 WHITING, MICHAEL B 1,060.45 Merrill, Laree O 3,048.98 APACHE COUNTY TAX WITHHOLDING 1,934.22 AMIGO CHEVROLET 1,538.72 APACHE COUNTY FAIR 15,000.00 AZ STATE LAND DEPARTMENT 1,800.00 AZLGEBT 300,940.69 BEGAY, KAYLYNN G 3,476.85 BILLS DISCOUNT AUTO PARTS (NAPA) 5,264.22 CDW GOVERNMENT LLC 1,037.21 CREATIVE MULTIMEDIA INC (CMI) 11,491.25 ELECTIONS SYSTEMS AND SOFTWARE 20,166.24 FOUR CORNERS ENVIRONMENTAL INC 6,458.10 FURI-EMP INVESTMENTS LLC 3,754.35 JONES, KRISTL RAE 1,465.36 NATIONAL BANK 1,174.00 NAVOPACHE ELECTRIC COOPERATIVE 2,201.38 NORTH COUNTRY COMMUNITY HEALTH 1,700.00 PITNEY BOWES 3,830.13 QUALITY INN & SUITES – GALLUP NM 1,522.88 QUILL CORP 1,725.50 SANOFI PASTEUR INC 5,234.44 SCHIFF, LAURENCE 1,500.00 SCOTT HAMBLIN MD PC 1,150.00 TYLER TECHNOLOGIES INC 4,485.00 US GEOLOGICAL SURVEY 5,600.00 VERIZON WIRELESS 1,761.19 WOODLAND BUILDING CENTER 1,173.17 YUILL, RHETTA 1,305.00 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. Motion passed 2-1 with Mr. Weller voting nay.

Mr. White moved to approve **Consent Item 2-B.** the minutes dated September 6, 2016, seconded by Mr. Weller. Vote was unanimous.

Mr. Wengert presented the request for approval of a lease agreement between Apache County and the Meixler Family Farms, LLC, for the golf driving range located in Township 12N Range 26E of the Gila and Salt River Base and Meridian, Concho, Arizona. Mr. Wengert provided an overview of the previous lease. Mr. Weller and County Attorney Joe Young held a discussion regarding the lease. Mr. Weller asked Mr. Young if the Board has the authority, in regard to ARS 11-256, to move forward. Mr. Young stated in regard to this specific agreement, yes. Mr. Weller moved to approve the lease agreement, seconded by Mr. White. Vote was unanimous.

Ferrin Crosby, County Engineer, requested approval of an Intergovernmental Agreement (IGA) between Apache County and the Navajo Nation Division of Transportation. Mr. Crosby stated this IGA created a partnership between two agencies to place gravel on a county maintained road, route number C-402 for Aspen Road near Oak Springs Chapter in District III. Mr. Crosby provided an overview of the agreement. Mr. Weller stated he is supportive of the agreement but has some concerns; he is happy the Navajo Nation approved \$600,000 for this project near Oak Springs but he isn't clear if the funds the County is utilizing are HURF. Mr. Crosby stated any funds expended on the road will be HURF. Mr. Weller asked how much this project will cost District II HURF. Mr. Crosby stated the County is responsible for the manpower and equipment to place the material, the Navajo Nation is covering the cost of the material as well as the transportation of the material and estimates \$293,000 for the 10.7 mile road so it will be a zero cost to the county.

Mr. White chaired the meeting while Mr. Shirley took a short break.

Mr. White asked if the Navajo Nation has worked with Mr. Weller on this project. Mr. Crosby stated this project has been in the works for the past two years and Mr. Weller has attended and been briefed on all meetings he didn't attend, regarding the project. Mr. Weller stated the communication could have been more thorough, the agreement was not run before him or discussed prior to placing it on the agenda. Mr. Weller stated he has been a part of meetings on the issue and been notified of some meetings but he believes the communication could have been better from the County Engineering Department. Mr. Weller stated he has two concerns with the agreement and believed it is too open ended that can lead into other projects without Board approval, and he is concerned with the use of HURF since he does not believe it is clearly defined. Mr. Weller stated he wants the County to be a part of an agreement to help get the work done, but he will be abstaining from the vote because he can't fully support it in its present form. Mr. White stated since the work being done is in District III and Mr. Weller has concerns with the project, he does not feel comfortable voting to approve.

Chairman Shirley returned to the meeting.

Mr. Weller moved to table the item until the County Attorneys and Engineering Department work with him to alleviate his concerns on the agreement in written opinion and format modifications to the agreement. Mr. White seconded the motion. Vote was unanimous.

Ferrin Crosby, County Engineer, requested approval to participate in the Arizona Association of County Engineer (AACE) Road Needs Study (RNS) Apache County's contribution is seven thousand, four hundred thirty eight dollars (\$7,438.00). Mr. Crosby stated the fee is based on an even fixed contribution & HURF distribution percentage of remaining amount and the Study will be conducted by a consultant and will work to identify the needs throughout the county. Mr. Shirley asked if the fees are shared between counties. Mr. Crosby stated yes. Mr. Weller stated he is concerned Apache County is paying more than seven other counties, and with Apache being the poorest county in the State, asked if we will get more HURF than the seven other counties. Mr. Crosby stated yes. Mr. Weller and Mr. Crosby held a discussion regarding the proposed study. Mr. Weller stated the road from St. Johns to Sanders should be a priority moving forward and moved to approve participation in the Study, seconded by Mr. White. Vote was unanimous

Oscar Miranda, presented the request for approval of a resolution recognizing fallen firefighters and emergency personnel. Mr. Weller thanked Mr. Miranda for championing the issue and those first responders for their service and moved to approve, seconded by Mr. White. Vote was unanimous.

A RESOLUTION DECLARING RECOGNITION OF FALLEN FIREFIGHTERS AND EMERGENCY SERVICES PERSONNEL

WHEREAS, the United States Congress and the President of the United States have designated the day of the annual National Fallen Firefighters Memorial Service as a day to honor firefighters and emergency services personnel who have sacrificed their lives to save others by lowering the American flag on all federal buildings to half-staff; and

WHEREAS, an average of 100 firefighters courageously make the ultimate sacrifice in the line of duty each year, including nineteen firefighters who lost their lives during the Yarnell Hill Fire in **Arizona on June 30, 2013; and**

WHEREAS, the events of September 11, 2001, brought national attention to the duties, responsibilities, hazards, and sacrifices faced by fire and emergency services personnel on a daily basis; and

WHEREAS, the Rodeo-Chediski, Wallow and Cedar Creek Fires brought awareness of the local sacrifices, hazards, duties, responsibilities that we as a community face and those faced by emergency responders; and

WHEREAS, firefighters and emergency services personnel play an essential role in the protection of lives and property in our local community; and

WHEREAS, the National Memorial Service marks the beginning of the annual Fire Prevention Week observance; and

WHEREAS, it is of major importance that we increase our efforts to reduce deaths, injuries, and property losses from fire;

BE IT THEREFORE RESOLVED, that the Board of Supervisors of Apache County, Arizona, now calls upon all citizens of Apache County and upon all patriotic, civic, and educational organizations in Apache County to observe the third Saturday in October, (October 15, 2016) and of each year thereafter, in recognition of the patriotic service and dedicated efforts of our fire and emergency services personnel by lowering American flags on all buildings to half-staff. The Board encourages appropriate services and ceremonies in which all of our citizens may participate to honor fire and emergency services personnel, past and present, who, by their faithful and loyal devotion to duties, have rendered invaluable service to our community and its citizens.

BE IT THEREFORE RESOLVED, that the Board of Supervisors of Apache County, further calls upon citizens of Apache County to remember all fire and emergency personnel who have made the ultimate sacrifice in service to their community and to pay respect to the survivors of our fallen heroes.

Adopted this 20th day of September 2016

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

ATTEST:
/s/ Delwin Wengert

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

Mr. Wengert presented notification of the State Agency Tours on September 23, 2016 at 9:00 a.m. with a change in location from Apache County Board of Supervisors Meeting Room, 75 W. Cleveland Street, in St. Johns, Arizona, to the Springerville Town Hall 418 East Main Street in Springerville, Arizona, followed by field tours of feed-stock locations, rail spurs, power infrastructure, transportation corridors, with tours ending in Eagar, Arizona. Mr. Wengert stated the notice will be reposted with the corrected location to meet the 24 hour attendance notice by the Board of Supervisors. No action as needed.

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

Approved this 18th day of October, 2016.

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

/s/ Delwin Wengert
Clerk of the Board