

BOARD OF SUPERVISORS
GILA COUNTY, ARIZONA

Date: February 28, 2006

JOSÉ M. SANCHEZ
Chairman

STEVEN L. BESICH
Clerk of the Board

TOMMIE C. MARTIN
Vice-Chairman

By: Marilyn Brewer
Deputy Clerk

SHIRLEY L. DAWSON
Member

Gila County Courthouse
Globe, Arizona

PRESENT: Jose M. Sanchez, Chairman; Tommie C. Martin, Vice-Chairman; Shirley L. Dawson, Member; Steven L. Besich, County Manager/Clerk; Marian Sheppard, Chief Deputy Clerk; and, Bryan Chambers, 2nd Chief Deputy County Attorney.

The Gila County Board of Supervisors met in Regular Session at 10:00 a.m. this date. Steve Besich led the Pledge of Allegiance, and Dixie Mundy delivered the Invocation.

Chairman Sanchez recognized Ronnie McDaniel, Mayor of the Town of Diamond Star, and Martin (Marty) deMasi, Fire Chief of the Payson Fire Department, who were present at the meeting.

Steve Besich, County Manager/Clerk, presented an update on the 2006 February Fire – what went right; what went wrong; and, what was learned. He stated that over the years it has not been uncommon for Gila County to have natural disasters such as fires and floods. However, instead of things improving, it appears that things are rapidly deteriorating as to what the County is facing when it comes to these types of natural resources. He stated that it has now been over 130 days in the County with no rain, no runoff, and no snow pack, so it appears this County is headed for a more serious situation than the last couple of years. Mr. Besich stated, “Our goal here at the end of

February is to gear up for a red alert fire season. Because of the forest fire the County experienced this month, we are learning that more people are going to have to be involved in the early stages, and that's what we're trying to prepare for with the Public Works Department's involvement with the Forest Service and the Sheriff's Office participation as far as evacuations. The Forest Service is realizing that Gila County and its assets can be a big asset to them when they are trying to improve their first strike capability by having resources pre-positioned and coordinated." He then called on Steve Stratton, Public Works Division Director, to speak about how the County contributed to the efforts in putting out this month's forest fire. Mr. Stratton first called on Adam Shepherd, Undersheriff, and Tim Scott, Deputy Sheriff, who displayed a large map showing the progression of the fire. Mr. Shepherd stated that it is Forest Service 'lore' that fires typically don't burn at night and do not burn down hill; however, because of the current extreme drought and other conditions, that is not what is now occurring, which has caused the Forest Service to rewrite the book on fire behavior. The location of the fire began on February 6, 2006, at an abandoned camp fire up above Geronimo. The location was pointed out on the map and it was noted that much of the fire burned downhill and at night. He explained that another factor that affected this fire was that it was extremely early in the fire season which was unexpected, so the fire crews were not organized. Typically fire crews who are geared up and ready to go from other areas can come to assist; however, those crews are not in place at this time of year either. Mr. Shepherd explained in detail all of the procedures that were followed by the Sheriff's Office, in coordination with the Forest Service because of its lack of personnel, in the event the areas of Camp Geronimo, Bray Creek Ranch and Geronimo Estates would need to be evacuated. The Sheriff's Office also provided security where the Verde River crosses Highway 87 because the Forest Service was putting in a batch plant to mix slurry for fighting the fire. He also explained how the Forest Service handles a response to a fire in the district with type 1, type 2 and type 3 teams; type 1 being the

most sophisticated with the most resources. The response to this fire was with a type 2 team. Mr. Shepherd stated that the cost of the fire was estimated at \$2.5 million and 4,470 acres were burned. Mr. Stratton then explained how the communications between the Sheriff's Office and the Public Works Division worked well in advising what was needed. Mr. Stratton stated that he took a tour of the fire with the Forest Service at the request of Vice-Chairman Martin in order to update the Board and County Manager, and this gave him a better understanding of where to send County personnel so they would not be in danger but be able to assist the Forest Service. He stated that the main issues with all of the fires in northern Gila County are a lack of water and locating cleared areas to set up batch plants. He explained how the County was able to assist the Forest Service in locating an area to set up the batch plant, and within a matter of hours the County mobilized water tanks and a Klein tank that was able to pull water out of the East Verde River. Mr. Stratton stated that the Forest Service was not aware that the County had resources and personnel that could assist in fighting these forest fires; however, they will now call upon the County for future assistance. The Forest Service has requested a list of the County's equipment that could be provided. He stated that the County is also considering placing a permanent 100,000 gallon tank at the Buckhead Mesa Landfill, which is a clear fly zone for helicopters and where a batch plant could be quickly set up in that location. He stated that a pump test will be conducted on the well there to see if it is adequate, if another pump is needed, or if the well needs to be deepened or even moved. This would be helpful to the Forest Service as well as the citizens by providing a quick response so a potentially big fire could be put out quickly. Mr. Besich stated that he will bring a comprehensive list of assets to the Board to consider developing and placing along the Rim in conjunction with the Forest Service as preparation to make these pre-positioned first strikes effective. Mr. Stratton stated that on March 14, 2006, his department crews will be involved in training for safety purposes and how to use remote fire shelters, which will be

provided free of charge by the Forest Service at Diamond Star. He also explained to the Board the proposed personal protective equipment that will need to be provided for County crews. Mr. Besich stated that the County wants to progress to the point of developing two trained 15-man teams that can respond safely and effectively to these fires. Vice-Chairman Martin stated that she did not feel that Mr. Stratton and his crews were praised enough for their efforts. She provided an example of how the Forest Service was in a quandary over space for a batch plant and adequate water sources and how the County was able to provide these services within a short time period. She stated that the Forest Service was very grateful to the County for stepping in and assisting. Chairman Sanchez stated that this was an important discussion and the State of Arizona has already declared a state emergency and the federal government has been notified of the concern with our State because of the drought. He suggested that the counties and communities follow suit to make sure they are prepared. The Board then presented plaques to Mr. Stratton and each County employee who assisted in putting out the fire.

At 10:39 a.m. Chairman Sanchez called for a brief recess.

At 10:46 a.m. Chairman Sanchez reconvened the meeting.

Mr. Besich continued with the same agenda item by commenting on the Forest Service briefings that were held each morning during the fire. He stated that the Incident Commander was the one in command with total authority, and all of the commanders under him followed a very specific chain of command. The County also came under the umbrella of the Incident Commander with the Sheriff's Department working with the law enforcement side; the Public Works personnel working with fire suppression and the logistics of moving equipment in and out; and, Emergency Management in keeping track of taxpayers' funds expended in order to be reimbursed by the Federal government. Vice-Chairman Martin stated that she has asked Mr. Besich to assist her with a plan for requesting funding from the State and Federal governments because Gila County is ranked as the number one fire spot in the western forested area,

with the Pine-Strawberry area identified as the number one spot. She would like to bring this plan to the Board for the March 14th Board meeting. Supervisor Dawson stated that Young is also a very fire-prone area and is full of dead trees, so she will be trying to meet with officials in Congress on her trip to Washington D.C. to address the forest issues. She also inquired if the County shouldn't also declare its own state of emergency. Mr. Besich stated that he could prepare a resolution for the state of emergency. Chairman Sanchez stated that he agreed and the County should have a standing order for permission to mobilize. The Board discussed getting information out to the public about cleaning up their yards in preparation and that perhaps the County landfills could be more lenient with reduced fees for yard cleanup. Chairman Sanchez called on Fire Chief Martin deMasi. Mr. deMasi reinforced some of the issues that were previously discussed in regard to fire behavior. He stated that the Forest Service does some measurements on the fuels and one of the measurements is live fuel moisture in open brush. He stated that in January the measurement would be at 100% in a normal year; however, this year the measurement was at 60%, which is normally found in June. Mr. deMasi stated that the February Fire was an unfortunate example of what's going to happen in the forests this year as all of the forces are in alignment for big fires. He also emphasized the need for people to be extremely careful with campfires, or working on anything that could produce heat. He also agreed with the need to lobby the Federal government. Chairman Sanchez thanked everyone involved in the presentation and stated that the results were very positive.

Mr. Besich requested Board direction on the following water-related issues: A) Blue Ridge Reservoirs; B) Monitoring wells at the Star Valley Landfill; and, C) ADOT (Arizona Department of Transportation) wells along Highway 260. He stated that the County has a number of water-related issues in the County as a whole as well as in specific regions; therefore, he believes

the County should look at water issues on a Countywide basis. Mr. Besich questioned if the taxpayers of Gila County support the Board being the lead agency concerning what should be done with the 500 acre feet of Blue Ridge water. He stated that he does not believe there is any scientific data that suggests the Board should create legislation that develops a regional water authority. He stated the County has a piecemeal setup of individual small water improvement districts that don't coordinate, function, or plan for the overall delivery of water much less how to develop and protect the County's water sources. Mr. Besich recommended that the Board take a look at a scientific collection of data and find out the taxpayers' thoughts on the issue. There are two other issues he would like to include, which are as follows: 1) which direction the County will take on forest issues, and 2) finding out the real concerns of taxpayers on the most divisive issue in the County, which is the community college and recognizing that it has its own governing board. He stated that if the County "goes out and creates some scientific data and makes it public and lets the chips fall where they may, that will help to make it easier to determine what the Board's spending and planning priorities may be."

Supervisor Dawson stated that at the Legislature last week a water report was given and the people from Diamond Star showed her some handouts they had received. She questioned the reason the Board has not received these handouts. Supervisor Dawson also stated that she has written to all of the County's contracted experts on the water issues asking for reports and scientific information and has received no reply or response from either David Kennedy or Harry Jones. She would like those reports that the County is paying for and not receiving. She stated, "I believe the reason these things are on the Board agenda is because we have been playing in the field. People of Diamond Star don't think we are taking a stand on what they view as their water." Vice-Chairman Martin also didn't have the handouts, but stated that she was aware of them. She stated that the report she believed Supervisor Dawson was referring to is the Mogollon Rim Water Resource Management

Study (MRWRMS) group report. Vice-Chairman Martin stated, "I don't mind the brief reports from Mr. Stratton, but some of this discussion needs to be done in the northern part of the County, the water part in particular, to broaden out this conversation, along with receiving those reports." Vice-Chairman Martin stated that she requested that Leslie Meyers, Program Manager of the Phoenix area office of the Bureau of Reclamation, make a presentation to the Board, perhaps at the next Board meeting held in Payson. She then inquired of Chairman Sanchez if a Board meeting or work session, particularly about water issues, could be held in the northern part of the County. Chairman Sanchez agreed that the Board should take a whole day to identify and determine the County's role regarding these water issues. He stated that the people the County has under contract are under contract by the Board and inquired of Mr. Besich if they need to give an update to the Board. Mr. Besich replied that the County has not directly participated with the MRWRMS group; however, Harry Jones is involved as a paid consultant for the County. Mr. Besich stated that he would get that information to the Board. Chairman Sanchez inquired if that Study has any bearing on the present three agenda water issues. Mr. Besich replied that the main focus of the Study was on Blue Ridge and Payson. Vice-Chairman Martin clarified that the Study actually includes the entire north end of Gila County including Pine-Strawberry, Kohl's, Christopher Creek and Payson. It maps out available water and the water story for that entire northern end of the County. Supervisor Dawson stated that her concern is that the County is spending this money and information isn't coming forward in general to everyone. She stated that when the Study was paid for and commissioned it was between the Bureau of Reclamation, the Town of Payson and Gila County. She stated, "If we are going to continue this, it's been taxpayer dollars that are going into it, and they should have access to the information." Supervisor Dawson then officially requested of Mr. Besich that she receive those reports written by the Bureau of Reclamation. She also requested the scope of work at the time the County

entered into that agreement and the length of time payments will be made by the County for the Study. Vice-Chairman Martin stated that the final report for the Study will not be completed until June or July of this year. Mr. Besich stated that Ron Christensen, a former member of the Board of Supervisors, headed up the initial query into this area and he would get those reports from the County office in Payson, along with anything on file in the Clerk's office. Chairman Sanchez stated, "I want to avoid complicating or clouding the issues, so we need a sit-down work session to determine what Supervisor Dawson wants, what the Board has already agreed to, what we are under contract for and what we are expecting. I would be concerned if I was over here firing off requests for individual reports on something the Board has contracted to do. I think if this is an issue the Board wants to take on, and historically the Board has been involved with water issues, it's time this Board makes the determination of where we want to go with it...We need to know what's been committed to by previous Boards. We could probably spend one whole day and between now and then and when we schedule that to come up with some of these answers." Mr. Besich recommended that the Board plan a full day in Payson with a short Board meeting followed by a work session. He stated that in the meantime he would try to get the Board some documents and historical data. Chairman Sanchez then moved on to the item 3B of the water related issues pertaining to monitoring wells at the Star Valley Landfill. Mr. Stratton presented the following information: Quite some time ago people from Star Valley contacted the County when the production well was in question and concerns were expressed that if that well or others were pumped very hard it could draw contaminants from the old Star Valley Landfill. The County looked into the issue and contracted with Rich Petrus, Herb Schumann and Steve Noel specialists in the fields of hydrology and geology. Mr. Petrus, Mr. Schumann and Mr. Noel determined the optimum places for the County to place monitoring wells to check for potential contaminants. Currently the County is applying for two special use permits with the U.S. Forest Service because the

chosen location is on Forest Service property. These wells will be used strictly for monitoring and there is no intention by the County to ever pump the wells for water production. Supervisor Dawson inquired what the difference in cost would be to drill a monitoring well as opposed to a 10" diameter well. Mr. Stratton replied that the wells will be 10" in diameter with a 6" casing. Supervisor Dawson inquired about the size of a normal monitoring well. Mr. Stratton stated that the ones there now are smaller and would be a problem if sampling or remediation work needed to be done. Mr. Stratton stated that in reference to the differences in cost, he would contact Rich Petrus and get that information for the Board. Supervisor Dawson inquired if the Board has gone out for contracts. Mr. Stratton replied that there is a proposal but there is no reason to go any further until the Forest Service approves the special use permits. Supervisor Dawson stated that when the County receives a presentation on drilling these wells she would like to compare some of the costs of drilling a monitoring well and drilling a production site well. Chairman Sanchez moved on to item 3C of the water related issues pertaining to the wells along Highway 260 which ADOT is using until construction along that highway is completed. Mr. Stratton presented the following information: ADOT has 2 production wells through a special use permit with the U.S. Forest Service. The first well, R4, is located 2-1/2 miles east of the Star Valley maintenance yard. The second well, R2, is another 1/2 mile east. Those wells have been totally used for construction water for ADOT contractors. Mr. Stratton stated that he was asked to look into the feasibility of these wells and if they could be used for production wells, once they are no longer needed by ADOT to help the citizens of northern Gila County. He stated that the County is currently in the process of reviewing studies done by other entities on those wells, but the County has not conducted its own studies. He stated that at the appropriate time, Herb Schumann could give a presentation to the Board. Supervisor Dawson stated that she met with Mr. Stratton to discuss these wells which are east of Star Valley. She stated that Mr. Stratton told her he had met with the

Town of Payson in discussion on these wells. She stated, "We already have a war going on up there without us getting involved in taking water east of there and pumping it to Payson or helping arrange such a thing." Mr. Stratton stated that the directive he received from Mr. Besich regarding water issues has always been to look at the entire picture and not one entity alone, which is the way he has attacked this problem and that it was merely an information meeting with Payson. Mr. Stratton stated that it is his intent to also meet with Star Valley and he has offered County expertise to Star Valley to assist their contracted person who is doing a safe yield study in their area. He stated, "It is the County's belief that we can help provide sustained water for all of Gila County, not just for one entity." The Board also discussed the most logical and least expensive ways of moving water to all the northern communities through a regional solution to a regional problem of a regional resource. Vice-Chairman Martin stated, "We have to get into conversation of the bigger and whole picture and make that resource available to everybody. Quit making it a political issue." Chairman Sanchez thanked Mr. Stratton for the information and then asked for public comment. Ronnie McDaniel, Mayor of the Town of Diamond Star (formerly known as Star Valley) stated that he brought some material for the Board to read and also gave them a letter from the Town of Diamond Star. He stated that the Town of Diamond Star would like to join the County's water efforts because in the Diamond Star area there is only one place that the fire trucks can get water and that location is in the Knolls, which is quite a distance from their community. He stated that the Diamond Star Town Council has held discussions about putting in a fire system as the Town of Diamond Star is surrounded by forest and dryness. He stated that one tank is already available and he believes there is some grant money available for putting in a system for fire protection and safety. Mayor McDaniel stated that the Town of Diamond Star would also be interested in working with the County in reference to the ADOT wells. The Town of Diamond Star has some studies that confirm that the ADOT wells are production wells and could be used for

fire and fire safety purposes. He stated that information regarding that study was included in the materials provided to the Board. Mayor McDaniel also stated that monitoring began today on Diamond Star water by the contractor hired by the Town of Diamond Star. He thanked the Board for allowing him to speak and looks forward to the Board's work session in Payson. Chairman Sanchez then called on Bill Rappaport, who resides in Star Valley. Mr. Rappaport stated that he wanted to address the MRWRMS conference which was only a preliminary study presentation; however, he advised that Star Valley was not included in the study. He stated the Study covers everywhere but Star Valley, and this omission was brought to the group's attention at their presentation. He also stated that the Town of Diamond Star has hired the largest hydrology firm in the U.S. to represent their Town. Twelve wells are being monitored that are adjacent to the production well that has been put into Diamond Star proper to ship water to Payson in order to establish a baseline of where Diamond Star's water table is at the present time. He then invited the Board to attend a presentation regarding this information tonight at the Diamond Star Town Hall. He concluded by stating that the relationship between the Town of Diamond Star and Gila County is very close and hopefully that relationship won't be jeopardized. He requested that the Town of Diamond Star be included in all studies conducted by the County that pertain to their area. Chairman Sanchez stated that the Board of Supervisors is committed to spending as much time as is necessary on water issues, so the Board will decide what it wants to do about setting up a work session. No action was taken by the Board on this item.

At 11:48 a.m. a public hearing was held to adopt Resolution No. 06-02-05, approving Planning and Zoning Department Case No. Z-06-1, a request submitted by Landmark B & R LLC to rezone tax parcel number 303-10-092H, from TR/TD (Transitional Residential and Trailer District) to R3-w/PAD (Residential Three with a Planned Area Development). Terry Smith, Deputy Director of the Community Development Division/Planning & Zoning Manager,

read the staff report, which is as follows: The property is approximately .66 acres and is known as the Creek View R.V. Park, located at Christopher Creek Loop, Christopher Creek, Arizona, which is the old Highway 260. The property surrounding the applicant is zoned for General Unclassified which allows recreational, multi-family, single family, ranching or farming, but the applicant is proposing a condominium project, which is a subdivision by local standards and State Real Estate standards; therefore, rezoning is required and can only be permitted under a planned area development. The Comprehensive Plan designates this property as Multi-Functional Corridor, which is a potential resort and lodging. The proposed use is compatible with the designation. Mr. Smith stated that he has received 4 letters of objection, and today he also added an e-mailed amendment received in reference to a protest from David and Janice Peterson, a copy of which was given to the Board. In this amendment the following is stated by Mr. Peterson: "We would like this amendment attached to my original letter of protest for the Board review and consideration during the hearing. I have amended my protest to 'not opposed' within the contents of my letter such that if approval is granted for the rezoning, mitigating measures currently planned by the owner to address visual and privacy impacts at our property be incorporated into designs. I feel that the owner is considering our concerns and will work with us to reduce negative impacts." Mr. Smith stated that Randy Slapnicka, the applicant and developer of the proposed project, was present at the meeting. Mr. Smith stated that the Planning and Zoning (P & Z) Commission, at its meeting held on February 16, 2006, recommended approval to the Board of Supervisors with the following stipulations: 1) There are some minor changes that need to be made to the development plan, which have been discussed with the architect of the project, and should zoning be approved by the Board today. There would still be 30 days in which to make the corrections prior to Gila County's Floodplain Management Ordinance going into effect; 2) required approvals and permits from State and County agencies be followed; and, 3) failure to submit a

final plat within a 24-month period shall result in possible reversion of the zoning district. Mr. Smith stated that if the rezoning application is approved, it will become effective 30 days from today. He also stated that Mr. Slapnicka will have 2 years to submit a preliminary plat since it is a subdivision, and also within that 24 months a final plat. Once the preliminary plat is approved, Mr. Slapnicka will have 12 months to prepare and submit the final plat. In between the preliminary and final plat, Mr. Slapnicka would be required to submit improvement plans which will be addressing water, wastewater facilities, grading and drainage. The issues of water and wastewater will have to be approved by the Arizona Department of Environmental Quality before the Planning and Zoning Department can present the final plat to the P & Z Commission or the Board. Mr. Smith stated that water and wastewater are not issues at this time because there is no data available and they are not required prior to rezoning because of the expense. He then showed the Board a series of photographs of the proposed project and surrounding areas. He showed the location of Mr. Peterson's property, who is a part owner of Lot 93, which is south and the closest residence to the subject property. Mr. Smith stated that Mr. Peterson's letter could be incorporated into the County's stipulations, but he would not voluntarily do so because it is the concern of a single property owner. Mr. Smith stated he felt it was imperative that the applicant and developer have the opportunity to address those issues with the Board and agree to or deny those requests from Mr. Peterson. Chairman Sanchez thanked Mr. Smith for his presentation and then asked for public comment. Randy Slapnicka stated that he resides up Tonto Creek Fish Hatchery Road up from Kohl's Ranch and that he has been a resident of Gila County for 12 years. He spoke about how the commerce of the town of Christopher Creek has declined since the road was looped to bypass the area, and also how the town has been held in a time capsule for about 50 years by the Ashby family who have held the land on both the north and south side of Highway 260. He then explained to the Board his proposed project, which includes 10 condos--3

internal, 2 on the outside and 2 separate buildings. He stated that he has tried to mitigate the invasiveness to the properties on each side by making the outside condos 2 story and the internal ones 3 story. Mr. Slapnicka stated that he is aware of some controversy to this project; however, he believes someone has to set a benchmark in Christopher Creek in order to make it high enough so any future projects will have to follow set State standards at least this high. He stated that the project is also creating high density taxes for the County because land is so expensive in Christopher Creek, with land currently selling at \$200,000-\$250,000 per acre. Mr. Slapnicka stated that he currently has \$400,000 invested in the property. He introduced his architect, Mark Irby, of Irby Studios, who showed a plat of the property to the Board. Mr. Irby presented the following information: When studying how to develop the property consideration was given to maximize use of the land and the design of the property. It was decided not to have 3-story buildings throughout, but to have 2 stories on the outside with the 3-story buildings in the center portion so it has some tapering effect with more interesting roof lines for the area. Another consideration was to take advantage of the creek by putting units as close as possible to the creek and farther away from the road. The property will be landscaped so it fits in with the community. Supervisor Dawson inquired about the location of the septic system. Mr. Irby replied that the septic system cannot be located at the back of the property because of the creek; it will be placed toward the front of the landscaped area. He stated that Mr. Slapnicka is also trying to obtain 30 feet of right-of-way that is no longer needed from the old 260 Highway, which would add some street frontage that could be used for the septic system. There were 4 other people requesting to speak who were also in favor of the proposed rezoning as follows: David Lloyd, Richard Schante, Don Treat and Jeff Daniels, all of whom reside in Payson. Chairman Sanchez called on James Oliver of Christopher Creek who was opposed to the proposed rezoning. Mr. Oliver stated that he lives 100 feet from the proposed development, which he believes is not well integrated with the

community, does not harmonize with existing adjacent properties and he feels that adjacent properties will be adversely affected. He requested that the developer be limited to a total of 6 condos and restricted to 2-story buildings because the rules for R3 state that use density should be limited to 10 dwellings per gross acre and the subject property is 2/3 of an acre. He requested that Gila County's rules be consistent and fairly applied to everybody. Vice-Chairman Martin inquired about the height of the 3-story buildings. Mr. Smith advised that the height would be 36 feet and he also explained allowed uses for R3-w/PAD zoning. Vice-Chairman Martin inquired if Mr. Peterson's concerns have been mitigated. Mr. Slapnicka stated that Mr. Peterson has requested that a 6 foot solid fence, the type of which Mr. Peterson selected, be erected between the properties. Mr. Slapnicka agreed to build the fence and also add some trees, and stated that he is more than happy to work with Mr. Peterson to mitigate the invasiveness on his property. Chairman Sanchez then called for any other public comments; none were offered. He closed the public hearing and asked for a motion. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously adopted Resolution No. 06-02-05. **(Copies of the Staff Report and Resolution are permanently on file in the Board of Supervisors' Office.)**

Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board convened as the Board of Directors of the Gila County Flood Control District. Steve Sanders, Public Works Division Deputy Director, presented a Floodplain Variance Request submitted by Scot B. Neville and Kimberly C. Neville, Partners in Romer, a Limited Family Partnership, for tax parcel number 201-10-068 (Lot 19 Lake Roosevelt Gardens, Unit 3), which is located in Supervisorial District 2 at the central-southern end of the Tonto Basin area. Mr. Sanders stated that on March 25, 2005, a floodplain status report was prepared for the Neville's stating that part of their property was located within the floodway and that they were not allowed to build in the floodway; however, where they were going to build was into the floodway fringe and building is

allowed in that area with a floodplain use permit and would require elevating the mobile home to an elevation of 2,209 feet. The report was based on the best information available as required by FEMA (Federal Emergency Management Agency) and the County's Floodplain Management Ordinance. The information provided was taken from a 2004 Concrete Flood Study performed by FEMA. In an old 1994 report the elevation was stated as 2,200 feet and when purchased, an old mobile home was on the property. He stated that Mr. Neville's letter requesting a variance states that the property was purchased in July 2005. In December 2005 they realized a variance was needed, as they received notice 3 months ahead of time (April, May and June) from the County that showed the property was not in compliance. Mr. Sanders stated that the County's topography of the area shows it to be closer to 2,203 feet in elevation, which would require an elevation of about 6 feet for a home. He stated that in 1993, Tonto Creek reached a 50-year event based on rainfall cubic feet per second flow, which flooded this property so it is known that there is a potential for flooding. He explained that FEMA has stated that if the Board chooses to grant variances in a FEMA study area and ignore the best available information, and should flooding occur with FEMA paying flood losses, then FEMA has the right to sue local governing bodies that granted the variance in order to recoup any losses incurred by FEMA. FEMA has won lawsuits of this type in the past. Mr. Sanders stated that the Floodplain Department is recommending that the Board deny this variance. He stated that 6 feet of fill dirt, piers, or stem walls could be brought onto the property and a mobile home could then be elevated, although the County cannot direct how this should be accomplished. He further explained that when bringing in fill dirt, it doesn't mean bringing dirt to the 2,209 foot level and then setting the home on that. Fill dirt could be brought into about the 2,007 or 2,007.5 foot level and the mobile home could then be set on piers to allow for water flowing underneath. Chairman Sanchez then called on Scot Neville to speak to the issue. Mr. Neville who resides in Mesa, Arizona, presented the following information: The

property was purchased as a family partnership with 4 sisters involved, for recreational use. When the property was purchased there was a lot of junk on the property along with an old dilapidated mobile home. His family has cleaned up all of the junk and now wishes to replace the old dilapidated home with something livable. The old home, back in 1994, received certification that was based on information available at that time. The family received the updated information from the County; however, the meaning of the information was unclear to them. The family took comfort in the fact that the existing mobile home did have certification attached to it. Their intent was to haul off the old junky single wide mobile home, and replace it with a slightly larger double wide mobile home. Mr. Neville then gave several reasons a variance should and could be granted, as follows: 1) Should a variance not be granted by the Board, the family could not enjoy the property in the same manner as neighboring property owners. 2) Failure to grant the variance would create an extreme financial hardship for the family. He stated that the family checked with a mobile home manufacturer and learned that they cannot use 6 foot stilts, so they would have to purchase a site-built home to meet the height requirements which would cost far more than a double wide mobile home. 3) Use of the property is not supposed to create a public nuisance. Mr. Neville stated that if the family is forced to bring in fill dirt or situate a mobile home 6' higher, it will block the neighbor's view of the green belt of the creek and the mountains and would infringe on the rights of the contiguous property owners. He stated that given these clear reasons, the family feels a variance should be granted to enable them to use their property. Mr. Sanders advised that his interpretation of the meaning of 'hardship' as stated in the Ordinance is not the same as Mr. Neville's interpretation of hardship. Mr. Sanders suggested that the meaning of hardship as stated in the County's Ordinance may require an interpretation by the County Attorney since the Ordinance is a County law. Darde de Roulhac, Chief Engineer of the Flood Control District, requested to read the definition of hardship in the Ordinance and then have Mr. Chambers,

2nd Chief Deputy County Attorney, provide interpretation if needed. He then proceeded to read the definition from Section 6.0 of the Ordinance. Chairman Sanchez thanked Mr. de Roulhac. Mr. Neville reiterated that the family is just trying to use their property like everyone else in that established old subdivision and they would just be exchanging one old mobile home for a newer one. Chairman Sanchez stated that unfortunately there are new terms and conditions that come into consideration once a structure is removed and anything else that comes onto the property has to be in compliance with the latest and best available information and that's what the Board has to consider. Mr. Sanders stated that if there is an increase to 50 percent remodeling of a home or a new home comes in, it has to meet the current Ordinance's rules and regulations. Supervisor Dawson stated that FEMA has had a lot of problems with flooding being identified as a problem, and the County can't continually allow variances that could one day come back to the County as a liability. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously denied the Floodplain Variance Request submitted by Scot B. and Kimberly C. Neville.

Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board reconvened as the Board of Supervisors.

Mr. Sanders requested the approval of an Intergovernmental Agreement (IGA) (ADOT File # JPA 05-099) between the Arizona Department of Transportation (ADOT), Gila County and the City of Globe for the installation of street lighting on the south side of U. S. 60 Old Oak Street in Claypool, Arizona, and east to Radanovich Boulevard in Globe, Arizona, per the State's traffic study. This Agreement shall become effective for five (5) years from filing with the Secretary of State or until completion of said project. He stated that ADOT is preparing a transportation enhancement project on Highway 60 to add 46 lights along the highway from Radanovich Drive to old Oak Street in Claypool, 8 of which are located within the County. ADOT does not maintain lights or pay electric costs once a project is complete. He stated that the City of

Globe has agreed to maintain and pay the electric cost for their lights, and Gila County has also agreed to maintain and pay for its 8 lights at a cost of \$14 per light per month, or a total of \$112.00 per month from budgeted HURF (Highway User Revenue Funds) funds. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved the IGA with the Arizona Department of Transportation (ADOT File # JPA 05-099).

David Fletcher, Health and Community Services Division Director, requested the acceptance of a Housing Rehabilitation Program Proposal (Call for Bids No. 111405-01) from Jeffrey Burdick and award of a Contract for Consulting Services in an amount not to exceed \$65,278.00 for Contract period February 15, 2006, through June 30, 2007. The terms of the Contract would provide for a Housing Rehabilitation Program to be conducted in Gila County utilizing funding obtained from the Arizona Department of Housing Development Block Grant funds. He stated that the Board previously authorized advertising a Call for Bids for housing rehabilitation services. Only one bid was received, which was from Mr. Burdick. Mr. Fletcher requested that the Board accept the bid and award the Contract to Mr. Burdick. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously accepted the Housing Rehabilitation Program Proposal (Call for Bids No. 111405-01) from Jeffrey Burdick and awarded the Contract for Consulting Services to Mr. Burdick in an amount not to exceed \$65,278.00.

Jacque Griffin, Assistant County Manager/County Librarian, requested the adoption of Resolution No. 06-02-06, which states the guiding principles for implementation of the County's Compensation and Classification Plan. She stated that this Resolution will notify the stakeholders of the intent of the project and sets the next stage which will be an implementation strategy on this project. She then read the Resolution aloud. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously adopted Resolution No. 06-02-06. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

Mr. Stratton requested the award of Call for Bids No. 092205-01 for the purchase of one or more new Tandem chip spreader(s) to be used by the Public Works Consolidated Roads Department. He recommended that the bid be awarded to Bearcat Mfg. Inc. in the amount of \$193,644.00. He stated that a deal was made this week to sell the old chip spreader for \$100,000. Chairman Sanchez inquired if more than one chip spreader was being purchased. Mr. Stratton replied that only one chip spreader was being purchased. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously awarded Call for Bids No. 092205-01 for the purchase of one new Tandem chip spreader to Bearcat Mfg., Inc., in the amount of \$179,300.00 per spreader, plus sales tax in the amount of \$14,344.00 for a total of \$193,644.00.

Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved consent agenda items 10A-J, excluding item 10K. Upon motion by Vice-Chairman Martin, seconded by Chairman Sanchez, the Board approved consent agenda item 10K by a 2-0 vote. Supervisor Dawson abstained from voting because of a conflict of interest. The consent agenda items are as follows:

- A. Approved the continuation of a Service Agreement between the Gila County Division of Health and Community Services and the Payson Humane Society, Inc. to provide shelter and care of animals within the control of the Gila County Rabies Control in the amount of \$2,448.00 per month for the period of July 1, 2006, to June 30, 2007.
- B. Approved ratification of the Chairman's signature on the Addendum to Escrow Instructions for the purchase of the APS property at 1992 North Highway 88 in the amount of \$45,000.00.
- C. Authorized the Chairman's signature on Amendment No. 4 and Amendment No. 7 to the RFQVA No. DDD-704011 Contract to bring the Contract into compliance and allow G.E.S.T. to provide services to its clients.

- D. Authorized the Chairman's signature on the Memorandum of Understanding in compliance with the Intergovernmental Agreement between the Gila County Division of Health and Community Services and the City of Globe, dated September 23, 1992, whereby Gila County shall provide administrative services in the amount of \$10,000.00, construction contract work in the amount of \$79,120.37, and rehabilitation services in the amount of \$20,303.00 to provide rehabilitation to at least four homes within the City of Globe.
- E. Authorized the Chairman's signature on the Memorandum of Understanding, Amendment No. 1 between the Gila County Division of Health and Community Services and the City of Globe, reducing administrative services in the amount of \$6,327.00 for Contract No. 120-05.
- F. Approved a request to rent the Fairgrounds Exhibit Hall for the Annual Gila County Gem & Mineral Show on January 19-21, 2007.
- G. Approved the BOS meeting minutes for January 24, 2006, January 31, 2006, and February 7, 2006.
- H. Approved the January 2006 monthly departmental activity reports submitted by the Recorder and the Payson Regional Constable.
- I. Approved the personnel reports/actions for the weeks of February 20, 2006, and February 27, 2006, as follows:

FEBRUARY 20, 2006:

Departure from County Service:

- 1. Sanitarian II – Health Services – 02-13-06 – Health Services Fund
Gregory Teague – Hire 08-15-05 – Failure to complete probation

Hire to County Service:

- 2. Recorder's Clerk II – Recorder – 02-07-06 – General Fund
Patricia Dodd – new position approved 02-07-06
- 3. Sanitarian II – Health Services – 02-20-06 – Health Services Fund
Shane Stuler – replaces Robert Elliott

Temporary Hire to County Service:

4. REPAC Government Liaison – Community Services – 02-13-06 – Grant Fund - Sherill Ashworth

Departmental Transfer:

5. Transfer Station Attendant to Landfill Operator II – Solid Waste Management – 02-13-06 – Enterprise Fund – William Seeley – Transfer due to sub-leasing of transfer stations
6. Child Support Worker to Legal Secretary I – County Attorney – 02-20-06 – General Fund - Lisa McCormick

End Probationary Period:

7. Planning Manager Assistant – Community Development – 02-22-06 – General Fund - Beverly Valenzuela
8. Legal Clerk – Clerk of Superior Court – 02-23-06 – General Fund
Donna DuBolt

Position Review:

9. Salary Increase due to certification – Plan Reviewer/Bldg. Inspector III – Community Development – 02-20-06 – General Fund – Scott Buzan – Residential Mechanical Inspector certification
10. Anniversary Date Increase – 02-06-06 – Jo Johnson
11. Anniversary Date Increase – 02-20-06 – Sylvia Badilla, Teresa Griego

Request Permission to Post:

12. Road Maintenance Worker II – Consolidated Roads – position vacated by
Kyle Sawyer

SHERIFF'S PERSONNEL ACTION ITEMS:

Hire to County Service:

13. Dispatcher II – Payson S.O. – 02-20-06 – General Fund - Kathy Womack
– replaces Barbara Bryant
14. Detention Officer – Globe S.O. – 02-20-06 – General Fund - Jonica Flores – replaces Sonia Kovar
15. Detention Officer – Globe S.O. – 02-20-06 – General Fund - Martin Spitler – replaces Gabriel Valenzuela

16. Detention Officer – Payson S.O. – 02-20-06 – General Fund - Ryan River
– New position

FEBRUARY 27, 2006:

Departure from County Service:

1. Road Maintenance Worker II – Consolidated Roads – 02-16-06 – Road Fund - Kyle Sawyer – Hire 12-16-96 0 Resigned for other employment
2. Deputy Probation Officer – Probation – 02-17-06 – State Aid Enhancement Fund - Ben Albright – Hire 05-21-01 – Resigned for other employment

End Probationary Period:

3. Sanitarian II – Health – 02-27-06 – Health Services Fund - Bhishm Naraine

Position Review:

4. Title Change – Training Specialist III to Training Specialist III/Business Service Representative – Community Services – 02-20-06 – Grant Fund – DeeJaye Poarch
5. Anniversary Date Increase – 02-20-06 – Chris Haack

Request Permission to Post:

6. Sanitarian II – Globe Health Department – position vacated by Gregory Teague
- J. Approved the finance reports/demands/transfers for the weeks of February 20, 2006, and February 27, 2006, as follows:

FEBRUARY, 20, 2006:

\$138,692.43 was disbursed for County expenses by voucher numbers X149560 through X149636, and X380511 through X380605. The hand-issued warrants listing is as follows: voucher number X380509 in the amount of \$500.00, and voucher number X380510 in the amount of \$5,000.00.

FEBRUARY 27, 2006:

\$811,714.68 was disbursed for County expenses by voucher numbers X149638 through X149807, X380611 through X380675, X380677 through X380850, X380852 through X381009. The hand-issued warrants listing is as follows: voucher number X380609 in the amount of \$1,920.00. **(An itemized list of vouchers is permanently on file with the Board of Supervisors.)**

K. Approved the payment for services in the amounts of \$644.80, \$458.10 and \$458.10 to Fly-A-Way Travel.

At this time each Board member and the Chief Administrator were presented the opportunity to give a brief summary of current events as allowed by A.R.S. §38-431.02(K). No action was taken by the Board.

There being no further business to come before the Board, Chairman Sanchez adjourned the meeting at 1:15 a.m.

Jose M. Sanchez, Chairman

ATTEST:

Steven L. Besich, County Manager/Clerk