

**BOARD OF SUPERVISORS**

**GILA COUNTY, ARIZONA**

Date: February 20, 2007

**JOSÉ M. SANCHEZ**

Chairman

**TOMMIE C. MARTIN**

Vice-Chairman

**SHIRLEY L. DAWSON**

Member

**STEVEN L. BESICH**

Clerk of the Board

By: Marilyn Brewer  
Deputy Clerk

Gila County Courthouse  
Globe, Arizona

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PRESENT: Jose M. Sanchez, Chairman; Tommie C. Martin, Vice-Chairman; Shirley L. Dawson, Member; Steven L. Besich, County Manager/Clerk; and, Bryan Chambers, 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 Greg LeCheminant of the Church of Jesus Christ of Latter Day Saints delivered the Invocation.

Darryl Griffin, Information Technology Department Director, gave a presentation and updated the Board on the Information Technology Department video conferencing projects, which included a teleconferencing exchange to introduce FreedomCalls.org, which is a privately funded electronic system for families of military service members serving in Iraq and Afghanistan. He introduced U. S. Army Specialist Stanley of Alabama, who spoke to the Board and audience from a U. S. base in Al Asad, Iraq, via video teleconferencing equipment. He stated that it was 8:00 p.m. there and it was 10:00 a.m. here. Specialist Stanley explained that members of his unit and others can get on the video teleconferencing camera equipment and visit with their families back at home at specific centers wired for the 2-way exchange in which both parties can hear and see each other. Each Board member and Mr. Griffin welcomed Specialist Stanley to the meeting and thanked him for his

service to the country. Specialist Stanley thanked everyone for their support. Mr. Griffin asked Specialist Stanley to explain how FreedomCalls.org has impacted the men and women who are serving from those areas. Specialist Stanley stated that the impact has been awesome and being able to use this equipment to actually see one's family is very good for the armed forces. He stated, "They may not come in with a smile, but they leave with one." Mr. Griffin requested that everyone give Specialist Stanley a round of applause and then he could go about his duties. Mr. Griffin explained that the video was very impressive considering Specialist Stanley was located 8,000 miles away. He stated, "This is very exciting technology." Mr. Griffin then gave a PowerPoint presentation entitled "Gila County and FreedomCalls.org." He explained that the initiative of FreedomCalls.org is to work closely with corporate contributors, individuals and the military. The foundation has developed 3 camps in Iraq with telephone and video conferencing services as well as providing soft telephones, video e-mail stations, and computers with e-mail and internet access and as a result 10,000 soldiers per camp will be able to communicate with family and loved ones at home on a regular basis and free of charge. The foundation also offers the soldiers the opportunity to participate in milestone family events, which will soon include installations at military hospitals in the U.S., and enables soldiers to interact with their newborn children or loved ones who have become ill and installations at family readiness centers enable families and loved ones to communicate with their soldiers in a more real way. Mr. Griffin stated that he is proposing that Gila County become one of the family readiness centers both in Globe and Payson to support those families that are fighting for our freedom. He stated that future deployment overseas will encompass additional locations where overseas troops lack regular communication with family and friends and FreedomCalls.org is hoping with everyone's support to be able to deploy 1-2 camps per month in the coming months. Mr. Griffin then showed a brief video explaining how FreedomCalls.org operates and the impact it has had on the troops. Mr. Griffin explained that the next part of his presentation was

entitled, "What is Gila County's Commitment?" He stated that the IT Department has committed to volunteer staff time to schedule the conference rooms for these video calls and to work with the families of the soldiers professionally and respectfully to provide a quality experience for them. The next part of his presentation included the history of how video conferencing was started in Gila County and he thanked Bill Hardy of the Arizona Counties Insurance Pool (ACIP) for his original vision of utilizing video conferencing for ACIP and other meetings among the counties. He stated that the goal is to keep people home more to spend time with their families, cut down on vehicle maintenance, save fuel, and lower insurance rates. Mr. Griffin explained how Gila and Yavapai counties are now directly connected via a T-1 frame. The other counties will come through the internet through Gila County's link tying all 15 counties together for one meeting, which will serve to open the door for many other opportunities of resource sharing in the future such as toll avoidance to other counties, call centers, offsite backups, disaster recovery and for training. Mr. Griffin concluded by thanking the IT Department staff for their hard work. Chairman Sanchez called on all of the IT Department employees to stand and be recognized, which included Mr. Griffin, Kaycee Stratton, Shaun Stevenson, Kelly Riggs and Tyler Solberg. The audience gave them a round of applause. Each Board member thanked Mr. Griffin for his presentation and the work his department has done. Vice-Chairman Martin inquired how people would be notified that this Freedom Calls service is now available and requested that Mr. Griffin give a presentation in Payson. The possibility of having Mr. Griffin give a presentation in Payson on March 1<sup>st</sup> was discussed, as well as possibly having the presentation at the Town of Star Valley. Chairman Sanchez asked that the staff set up the arrangements. Mr. Besich stated that he would set up the arrangements. Mr. Griffin stated that he would also post information on the County's website on how to schedule a meeting and that the program would not be in effect until March 1<sup>st</sup>. Ted Lake, Copper Country News writer, questioned if the resource centers would be located at both colleges. Mr. Griffin stated that the resource centers will only

be located at the County buildings in Globe and Payson, as the program is not tied into the colleges at this time. Chairman Sanchez thanked Mr. Griffin for his presentation.

In addressing agenda item number 3, Harry Swanson, Dean of the Gila Community College in Payson, stated, "The Gila County Provisional Community College District (GCPCCD) Governing Board usually comes before the Board of Supervisors looking for help, but today we come before you to say thanks for offering us that hand of help and for being such great partners with your community college." He briefly spoke on the workforce development plans, which are critical to Gila County, and presented some of the highlights of the programs now being offered at the colleges, such as the Nursing program, the Heavy Equipment Operations program in conjunction with the Arizona Department of Transportation and Gila County and the 1 Plus 1 AutoCad program for design engineers in collaboration with Arizona Public Service and Gateway Community College. In recognition of the valuable contributions to the heavy equipment operations program at the Gila Community Colleges in Globe and Payson, Dean Swanson called on Robert Ashford, Chairman, and Michael Pastor, Secretary, of the GCPCCD Governing Board, who presented Certificates of Appreciation to the Gila County Board of Supervisors and Gila County personnel including Steve Besich, Steve Stratton, Lex Sheppard, Jerry Farr, George Cutter, Freddie Casillas, and Bob Pastor of the Arizona Department of Transportation. Also recognized were the graduating students of the first heavy equipment operations program. Chairman Sanchez thanked Dean Swanson, Chairman Ashford and Member Pastor for the presentations.

At 10:42 a.m., a public hearing was held to approve Planning and Zoning Department Case No. Z-07-01, a rezoning request submitted by Globe Pacific Associates (Mark and Roberta Shellenberger-property owners) to rezone tax parcel number 205-24-006N (26.59 acres +/-) from R1-D8 (Residence One w/8,000 sq. ft. density) to R3 (Residence Three) to build the Madeira Peak Vista Apartments in Globe to serve senior and disabled residents. Robert Gould,

Community Development Division Director, stated that the purpose of this rezoning request was to allow the construction of a 60-unit apartment complex located off of Saguaro Road. There will be 48 1-bedroom units in 8-plex buildings and 12 2-bedroom units in 4-plex buildings and all of the buildings will be single-story buildings. Included will be a 2,500 sq. ft. community building and a swimming pool. He stated that the application is a request to rezone a 26.5 acre parcel, but staff recommendation will be to only rezone a 10-acre portion of that particular parcel. He stated that there are several issues regarding this project in order to make it compatible with the single family residential area that surrounds it, but those issues will be dealt with during the planning review process and then a second public hearing will be held. Mr. Gould explained that issues have recently arisen during this process that have necessitated the need for another Board of Supervisors' public hearing, which has been scheduled for March 13<sup>th</sup> and even though the notice said 10:00 p.m., the meeting will be held at 10:00 a.m. and all the corrections were made and posting notices were re-issued. He stated that this project has been a problem with noticing from the very beginning as posting for the project was 2 days late, which necessitated a second public hearing; word was received from the newspaper that the hearing notice had no date listed, which had to be redone; and, the time of the hearing (10:00 p.m.) had to be corrected to 10:00 a.m. Mr. Gould stated that staff is supportive of this application as it is definitely compatible with Gila County's Comprehensive Master Plan, which states that this area is appropriate for 5-10 residential dwelling units per acre. The project will consume about 6.4 residential units per acre. He stated that the recommendation is to table this item to March 13, 2007, at 10:00 a.m. He stated that the Gila County Planning and Zoning Commission will hold its second hearing on March 9, 2007, due to the fact that when the meeting was noticed on the property, it had to be posted for 15 days according to State statute and the posting actually occurred on March 2, 2007, and should have been 2 days earlier. At this time, Chairman Sanchez opened the public hearing portion of the meeting and asked for public comment. Edmund Loew, a

resident of Globe and opposed to the issue, read a prepared statement addressed to the County Board of Supervisors and dated February 20, 2007, as follows:

The Petitioners of the Skyline Subdivision ask that the request for rezoning be denied for the following reasons:

-That 10 closely clustered roofs below will reduce the marketability and value of the present residences.

-That the density of 60 dwelling units at the narrows of the canyon floor will have a negative environmental impact on the neighborhood.

-That the close proximity of 10 buildings, each larger than the average single family home will severly (as typed) alter the ecological balance of the subdivision.

-That the addition of 100 plus residents having access by only 1 street, Saguaro Drive, will significantly add to the traffic flow on a narrow neighborhood street. Whether driving themselves, or picked up and delivered by friends, etc., the active lifestyle of these people will add to the congestion. The petitioning residents do not oppose the concept of a low income senior housing but believe the area is unsuited for the following reasons:

-That the concept drawing places the complex in the narrowest part of the canyon so that half of the resident's view will be the 20 to 45 foot banks scraped steeply to allow for the level foot print necessary for the development.

-That the residents of the apartments would be denied reasonable access to amenities because there is only a Circle K and a Mexican restaurant within walking distance.

-That access to these limited services is over Saguaro Drive which is without sidewalks and the south side has a steep drop off with no guardrail.

-That it is over 2 miles to a grocery store, 2 miles to the Globe Senior Center, and 7 miles to major medical services. Without a car the resident's freedom is limited.

-That a less concentrated setting of single family homes makes for a better solution to the drainage issues and the soil stabilization related to the cut and fill method for a single flat footprint.

-That many of the general public who favor the concept of senior housing fail to understand that this project is limited to only those who fall below a federally mandated income limit.

We recognize the economics at work here. The sellers can dispose of the least desirable part of their parcel without the expense of subdividing and marketing individual lots while the development company earns extra points in the Federal program for dealing in a more difficult area.

Arizona State law recognizes the extra weight of opinion for those most proximate and therefore most affected by a zoning change. The 87.5% of those property owners closest to the proposed change far exceed the mandated 20% and have petitioned you to keep the current R1-D8 zoning. Their investment in

the surrounding area outweighs that of the sellers or the developer and those who think it is a good idea but have nothing personal at risk.

Chairman Sanchez thanked Mr. Loew for his comments. Chairman Sanchez explained that the Board is proceeding with the public hearing portion of the meeting as it was advertised and posted on the agenda, but even though it is listed as an action item, from what the Board was told today about the Planning and Zoning Commission having to hold another meeting on February 9, 2007, he did not believe the Board would be taking any action to approve a zoning change today. He then called on Bill Orth, a resident of Globe and also opposed to the issue. Mr. Orth stated that he wanted to point out that his overall concern was the well being and general safety of the proposed residents who will live on the floor of that canyon as there are several factors there. He stated, "One is the narrowness of Saguaro Drive. At the zoning meeting, Tommy Martin from Tonto Basin took the time to drive Saguaro Drive and he implores the Board to drive Saguaro Drive to see exactly what he is talking about and we've indicated a concern about that street." Mr. Orth explained that 7-9 accidents have occurred in that area and that the sun can blind one's vision and he was concerned about the elderly driving this "tricky" road. He provided a map for the Board and stated, "There are several possibilities: 1) directly across there is a street called Hunter Drive and cars go straight across that street giving them the right-a-way; 2) cars will be taking a left turn off the highway onto Hunter Drive and they have the right-a-way; and, 3) cars coming from San Carlos have the right-a-way. So this elderly unsuspecting driver is going to be in a real possible traffic situation." Mr. Orth stated that another issue he's concerned about is that the last apartment building on the floor of that canyon is approximately 2 football fields from the only exit out of that canyon and he didn't know if that would be a fire hazard or not. He stated that another concern is that there are homes ranging from \$125,000 to \$300,000 in a horseshoe configuration around the proposed apartment complex. The complex will be as close at 62 feet from the neighbors' property lines and he

was unsure if that could cause a sinking problem with the neighbors' workshops behind their homes. Mr. Orth stated that he thinks the residents have a solution if the proposed complex could be built up with a beautiful edifice of 10-15 stories. He stated that next to the American Legion there is a large lot and requested that the Board review that lot for this project as it would be located right next to the senior center. He concluded by requesting that the Board take into consideration these concerns and requests and advised that he would be submitting this information to the newspaper. Chairman Sanchez thanked Mr. Orth for his comments. Chairman Sanchez noted for the record that the Board had received petitions dated February 14, 2007, from 65 Skyline subdivision residents who are opposed to the rezoning of this adjacent County parcel and are requesting the Board to deny the change in zoning. Chairman Sanchez called on Mark Shellenberger, a resident of Globe, who is in favor of the issue. Mr. Shellenberger stated that he acquired this property 5 years ago in anticipation of developing same, as he makes his living by real estate and investment. He stated that of the 26.5 acres for development, only approximately 10 acres would be rezoned as R3. He stated that the Board had seen his aerial photos of the area and the proposed development area would be an ideal location because "it's a quiet area and wouldn't take the senior residents and plant them in an area that is not accessible to a lot of things that we all expect." He stated, "I submit to you that the eastern part of Globe here on Ash Street is going to be developed. I know that Basha's owns a corner there between Highway 60-70 at the intersection and will probably build a grocery store and pharmacy there. The whole strip through there is available for development so in time we'll see that kind of traffic increase. You'll probably see a traffic light at Hunter Drive to avoid the situation that Mr. Orth pointed out, but that's the future." Mr. Shellenberger stated that he has been involved in the Southern Gila County Economic Development Corporation meetings and everyone recognizes the critical need for housing of all types. He stated that the prospects are extremely high for the mines in the area to reopen, which means a large influx of people. He

explained that many elderly citizens want to return to this area because of the slower pace and less stress. He stated that a facility that is co-mingled with families where the elderly could make friends with the neighbors and live in an environment that is clean, safe and well watched over is exactly what is needed. Mr. Shellenberger stated that the difficulty faced in this area is finding those locations that have infrastructure available such as sewer, water and roads. Because of the reasons presented, he implored the Board to approve the change in zoning. Chairman Sanchez inquired if Mr. Shellenberger was the sole property owner. Mr. Shellenberger replied that he and his wife are the sole owners of the 26.5 acres. He also stated that he has received several calls from residents who are in favor of the project. He stated that in reference to the elevation, this project will not impact anybody's view and that the facility will be first class. Mr. Shellenberger concluded by stating that The Pacific Companies is an outstanding company and it's through those means that we will see a development like this one come to our area. Chairman Sanchez thanked Mr. Shellenberger for his comments. Chairman Sanchez called on Linda Gross; however, he was advised that she had already left the meeting. Chairman Sanchez called on Greg LeCheminant, a resident of Globe, who was in favor of the project. Mr. LeCheminant stated that he manages a skilled nursing facility and also owns an assisted living facility in the area. He stated that this type of project, an independent senior living facility, is needed in this community because if people with those particular needs can't get them filled here, they will move elsewhere. Mr. LeCheminant stated that he feels it is good for the community, good for growth and for having a cross section of people in the community. Mr. LeCheminant stated that he realizes no one wants to have people building next door to them when they currently have a vacant lot and he explained how the area is changing around his residence and assisted living facility; however, he believes that change is inevitable as the area continues to grow. He explained that Saguaro Drive has already become a shortcut for many drivers to get from Highway 60 to Six Shooter Canyon Road and is like a "grand prix circuit" and as that area continues to grow, that road will require

some widening. Chairman Sanchez thanked Mr. LeCheminant for his comments. Chairman Sanchez called on Floyd Krank, a resident of Globe, who is in favor of the issue. Chairman Sanchez read aloud Mr. Krank's written comments that were on the Public Participation form, which stated, "The opposition has refused to attend the offered meetings or called us with their concerns." Mr. Krank stated, "I want to thank the Board for listening to all these impassioned thoughts and feelings because there are a lot of them and they are a difficult thing to weed through and understand." He also thanked the staff and the Planning and Zoning Commission for allowing him to speak at their meeting, "which I feel allowed for a lot of discussion that was very fruitful and filled a lot of needs of a lot of folks." He also thanked Mr. Gould and staff for their efforts. Mr. Krank stated, "Obviously we don't agree with a lot of things that are stated. Regarding the traffic study, we already met with the Arizona Department of Transportation and the Globe Police Department; on the fire issues, we've dealt with the Fire Marshall of the Canyon Fire District; we've already met with the Forest Service; and, the list goes on and on." He stated that The Pacific Companies has offered to put in new sewer and water lines for all of Saguaro. In his own opinion, Mr. Krank stated that he's obviously in favor of the project and thinks it will be a wonderful development, which is definitely needed. He stated that another meeting will be held at 3:00 p.m. today at the Community Room of the Old Courthouse, in which The Pacific Companies is extending its hand to give the opposition another opportunity to address their concerns and everyone is invited to attend. He stated that The Pacific Companies would like to be a good neighbor and develop a project that is pleasing to everyone. Chairman Sanchez thanked Mr. Krank for his comments and called on Susan Arthur, a resident of Globe. Ms. Arthur inquired about Mr. Krank's involvement with this project. Chairman Sanchez asked Mr. Krank to respond. Mr. Krank stated that he embarked on an endeavor to bring senior housing to the Globe-Miami area approximately 5 years ago with an elderly assisted housing project to be located between Escudilla and Pioneer Hills, but because of a drainage issue and the City of

Globe failing to install culverts, the developer moved the project to Bullhead City. Mr. Krank stated that when The Pacific Companies approached him, he researched the company quite thoroughly as he was hoping to get senior housing through that company. However, The Pacific Companies chose to put in an apartment complex because a market study had already been completed for same and the larger parcel was more suited for apartments. He stated, "In the meantime, I rolled over a 1031 land exchange with Mr. Shellenberger on this subject parcel and I am buying the center, which is close to 9 acres and located below Saguaro Drive and I will be the closest resident to the entire complex." Mr. Krank stated that he introduced The Pacific Companies to Mr. Shellenberger about the opportunity for senior housing. Mr. Krank stated that he and Mr. Shellenberger had already embarked on the process of developing the area into multiple family residences, in which 4 times the number of homes could be placed on this parcel as compared to the proposed senior housing project and that is his involvement. He concluded by stating, "I am trying to encourage Mark and everyone else to bring this project to fruition...and guide Mark through the hardships." Chairman Sanchez called on Neil Beydler, a resident of Globe, to speak. Mr. Beydler stated, "On the original petition, I was one of the people in the zoning area, but since they have changed that, actually I'm not in the zoning area right now. With just the 10 acres, I'm farther out. My question is, I received an official state and county notice and in the last paragraph I find the fact that if 20% of the owners should object to this, then the decision goes to the Supervisors. Am I that correct in this?" Chairman Sanchez called on Mr. Gould to respond. Mr. Gould stated, "I have absolutely no idea what he is referring to." Mr. Beydler showed Mr. Gould the notice. Mr. Gould then stated, "What Mr. Beydler is referring to is a requirement for a 'super majority vote' and that states simply that if 20% or more of the property owners protest this, the Board, in order to approve this, must have, and I forget, either a 66% or 75% vote on this, and that is what he is talking about, which is mute in this issue because there's only 2 Board members voting on this and so it has to have 100% [Board approval] in order to pass." Mr. Beydler

stated, "What my point is, obviously the State, at some point in time, put a little emphasis on the importance of the residents in the area or it would not have a clause like this in there. I would submit to the Supervisors that you keep this in mind when you make your decision that it's definitely more than 20% and it's more possibly even 100% when you go down to the 10 acres that is defined in the definition. I think the issue is more of the rezoning of the area. Forget the idea that this is a senior citizen's thing, which is very nice, but the process of a rezoning system, I still feel, should have some weight with the people in the area and I would like you to keep that in mind when you make your decision." Chairman Sanchez thanked Mr. Beydler for his comments and asked if anyone else wished to address the Board. No further comments were offered. Chairman Sanchez closed the public hearing portion of the meeting. He stated that keeping in mind what was heard from Mr. Gould earlier, "The Chair will entertain a motion that this item be tabled until after the March 9<sup>th</sup> meeting of the Planning and Zoning Commission." Upon motion by Vice-Chairman Martin, seconded by Chairman Sanchez, the Board voted, by a 2-0 vote, to table this item to another public hearing to be held at the March 13, 2007, Board of Supervisors' meeting. Supervisor Dawson abstained from voting because of a conflict of interest.

At 11:21 a.m., a public hearing was held to adopt Resolution No. 07-02-06 to amend the following Sections of the Building Code Ordinance: Section 1, Building Code; Section 2, Title; Section 3, Rules and Definitions; Section 5, Continuity; Section 7, Rules and Regulations; Section 8, Permits, Section 12, Violations and Penalties; and, Section 15, Redress and Fee Schedule. Mr. Gould stated that this agenda item and the one following refer to amendments to the Gila County Building Code Ordinance and he called on Joe Mendoza, Community Development Deputy Director, to address same. Mr. Mendoza passed out a Staff Report to the Board and stated that a couple of changes were made as recommended by the Planning and Zoning Commission, which are highlighted. He stated that the Board was provided with a copy of the changes in the Building Code Ordinance, which shows that all words in red

have been added or proposed to be amended and all words struck out are proposed to be removed. One of the changes proposed by the Planning and Zoning Commission was to strengthen the regulations that relate to exemptions to mines and agriculture [Section 107.1 (B)(2) of the Zoning Ordinance]. Every 3 years, the International Code Council, Inc. publishes updated Codes. The other recommended change being made by the Planning and Zoning Commission applies to revisions and supplementary information that is published between Code cycles. At present, Gila County's Zoning Ordinance allows the County to automatically adopt the revisions and supplementary information; however, the Planning and Zoning Commission felt that those changes should be presented to the Commission and the Board of Supervisors for approval. Mr. Mendoza stated that the amendments will clean up and remove redundant language and move sections from the Zoning Ordinance into the Building Code Ordinance. He stated that prior to 2000, there were 4-5 different code-writing organizations publishing codes. Sometime during the 1990s directives were given that all code writers form a unified code publishing company with a unified method of enforcement or the federal government would do it for them. In 2000, the International Code Council, Inc. presented the international codes, which has now been adopted by over 90% of the United States and almost every jurisdiction in Arizona including the Town of Payson, the Town of Star Valley, the Town of Miami, but not the City of Globe. The International Code Council, Inc. recognizes that even though there are codes that apply the same across the country, different situations will arise in various areas that would not apply in other areas so they allow amendments, which are shown in red. The Arizona Building Officials Association takes care of the amendments for Arizona and voted to approve the amendments that apply to Arizona and each building official in Arizona has been provided a copy of same. He stated that half of the amendments have to do with coordinating the language in the Code so it matches the statutory language in regard to assisted living facilities. The other amendments relate to Gila County adding the civil hearing process for violations of the Building Code in order to pursue

those in the same manner as violations of the Zoning Ordinance; requesting that the County amend the manufactured housing installation standards to allow only HUD (Housing and Urban Development) approved homes in Gila County; and, the Building Permit Fee Schedule has been revised. The Building Permit fees are based on valuation, which hasn't been updated for many years, and is based on an August 2005 study done by the Building Standards magazine. This will put the County in line with the Town of Payson; however, the Town of Payson fees will be higher because they have development fees, but the Towns of Payson and Star Valley will have similar fees and the Globe-Miami area fees will be lower. Supervisor Dawson expressed a concern regarding Section 107.1(B)(1) of the Zoning Ordinance in reference to not requiring a permit for repairs under \$500, and she questioned about requiring permits for repairs as inexpensive as \$500. Mr. Mendoza stated that has always been a County requirement and he explained that if a resident is updating a service panel, the permit would be a small fee; however, because case law and the Code says that's a safety hazard and regardless of the cost, it needs to be permitted and inspected. He stated that whether a permit is required depends on the project and the Code book contains a list of exemptions, which has grown over the years. He stated that the Code changes every 3 years; however, the County hasn't adopted it since 1991. Supervisor Dawson's concern was how residents would know what all the requirements were and noted that 3 copies of the Building Code were going to be retained in the Clerk of the Board's office for public use. Mr. Mendoza stated that many issues are resolved over the phone and sometimes his office staff will make courtesy visits to determine what is needed. He stated, "This Code isn't imposing any more restrictions or regulations then we had prior. It's just a little easier to understand." Vice-Chairman Martin inquired about Mr. Mendoza's statement on getting tougher on mining. Mr. Mendoza stated that the Code is not getting tougher on mining. Mr. Jay Spehar of Phelps Dodge Mining and also a member of the Planning and Zoning Commission, wanted to make sure that the exemption in statute that refers to mines and agricultural was "beefed up" so

that there was no question that the inspectors would pay attention to same. Vice-Chairman Martin requested that Mr. Mendoza advise how this section of the Zoning Ordinance [Section 107.1(B)(2)] was previously stated and how the wording was changed. For the reader, even though Mr. Mendoza did not read aloud (B)(2) in its entirety, added changes are in bold text and text omissions are struck out in that paragraph, as follows: “Inspectors shall recognize the limitations placed on ~~his~~ **their** authority **and the exceptions to zoning and permitting regulations imposed** by Arizona Revised Statutes Chapter 6, Article 2, § **11-830** ~~11-821~~, and ~~shall issue a permit when it appears the proposed erection, construction, reconstruction, alteration or use fully conforms to this Ordinance.~~” Vice-Chairman Martin inquired if there were any substantial changes. Mr. Mendoza stated that there were some major changes in regard to wind “sheer,” which always happens after a hurricane or flood. He stated that the Flood Plain Regulations have been “beefed up” somewhat and explained the need for these changes after the Katrina Hurricane disaster. Steve Besich, County Manager/Clerk, stated that he wanted to be sure that Mr. Spehar had been consulted about the changes and he stated that it appears Mr. Spehar was consulted; therefore, Mr. Besich concurred with the proposed changes. Chairman Sanchez opened the public hearing and asked for public comment. None was offered. Chairman Sanchez closed the public hearing and entertained a motion. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously adopted Resolution No. 07-02-06 to amend various sections of the Building Code Ordinance as listed above.

**(Copies of the Resolution and Staff Report, which applies to agenda item numbers 5 and 6, are permanently on file in the Board of Supervisors’ Office.)**

At 11:36 a.m., Chairman Sanchez called for a brief recess.

At 11:47 a.m., Chairman Sanchez reconvened the meeting.

At 11:47 a.m., a public hearing was held to adopt Resolution No. 07-02-07 to amend the following Sections of the Zoning Ordinance: Section 107, Enforcement; Section 108, Permits; Section 108.1, Permit Application; and,

Section 108.2, Permit Validity. Mr. Mendoza stated that this item was mainly for deleting redundant language, moving language related to the Building Code into the Building Code Ordinance and making any necessary corrections requested by Mr. Spehar and the Planning and Zoning Commission with most changes being minor. He stated that the fees for the unzoned areas had been deleted and placed into the Fee Schedule referred to earlier. Chairman Sanchez opened the public hearing and asked for public comment. None was offered. Chairman Sanchez closed the public hearing and entertained a motion. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously adopted Resolution No. 07-02-07 to amend the Sections of the Zoning Ordinance as noted above. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

At 11:49 a.m., a public hearing was held to adopt Resolution No. 07-02-08 to approve Planning and Zoning Department Case No. Z-06-08, a rezoning request submitted by Curtis and Margaret Rambo to rezone tax parcel numbers 201-07-008B (.52 acres+-) and 201-07-008C (.41 acres+-) from C3 (Commercial Three) to R1 (Residence One) and tax parcel number 201-07-008D (3.65 acres+-) from C3 to GR (General Rural-minimum 3-acre parcel) to allow residences with horse property located in Tonto Basin. Mr. Gould stated that he thought the Board was familiar with this parcel. He stated that driving north on Highway 188, one passes the Rambo Realty Office and that particular parcel is 330 feet wide and 850 feet deep. A minor land division was recently done on that parcel—Record of Survey No. 3276. He stated that the Rambo's are requesting the rezoning of 3 of the parcels as noted in the agenda item. Mr. Gould stated that none of the lots will be further split once they are created; however, it was important to note that all of these lots are currently located in the flood plain. He stated that the parcels to the north and east are currently Forest Service land, west is C3 zoning and to the south is GU and TRTD zoning. Mr. Gould stated that a citizens' participation meeting was held by the applicant on December 3, 2006, with the notice made out to 8 of the property owners in that area and no one voiced any concerns with his office. He stated

that staff recommended that the request to rezone these parcels be granted and there is no reversionary clause. Chairman Sanchez opened the public hearing and asked for public comment. None was offered. Chairman Sanchez closed the public hearing and entertained a motion. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously adopted Resolution No. 07-02-08 to approve Planning and Zoning Department Case No. Z-06-08, a rezoning request submitted by Curtis and Margaret Rambo.

Chairman Sanchez thanked Mr. and Mrs. Rambo for attending the meeting.

**(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

Steve Stratton, Public Works Division Director, requested the award of Request for Sealed Bids No. 120706-1 for the purchase of new 2006 to 2008 4 X 4 trucks to replace trucks in the Public Works Division and to authorize the Chairman's signature on the Contracts. He stated that the memo in the Board's packet explained his recommendation. He stated that the reason for advertising for 2006 to 2008 vehicles was because there was a varying in the years that were available. He recommended that the purchase of one (1) 2008 4 X 4 regular cab truck be awarded to McSpadden Ford in the amount of \$21,963.01 for the Engineering Department and that the purchase of three (3) 2008 4 X 4 extended cab trucks be awarded to Phil White Ford in the amount of \$29,458.57 each for a total of \$88,375.71 for all three 3 trucks to be used by the Consolidated Roads Department and all vehicles are currently budgeted items. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously awarded Request for Sealed Bids No. 120706-1 to McSpadden Ford for the purchase of one (1) 2008 4 X 4 regular cab truck in the amount of \$21,963.01 and to Phil White Ford for the purchase of three (3) 2008 4 X 4 extended cab trucks in the amount of \$29,458.37 each for a total of \$88,375.71 for the 3 trucks and authorized the Chairman's signature on the contracts.

Mr. Stratton requested the adoption of Resolution No. 07-02-09 to approve the submission of a Grant Application to the Arizona State Parks

Board applying for LRSP (Local, Regional and State Parks) Heritage Funds for the Fairgrounds Development Phase II to continue the implementation of the 180-acre Master Plan Development for the Fairgrounds in the amount of \$413,792 with a 50% (\$206,896) matching fund requirement and approval to appoint the Public Works Director to be the agent of Gila County to conduct all negotiations and execute and submit all documents necessary for the completion of said project. He presented an aerial photo of the arena area and the RV Park, and pointed out the location of the proposed 3+ miles of trails to be constructed in that area. He stated that by making the trails that distance, Globe High School could utilize them for cross country track meets and the prison could also use the area for wildland fire training. If approved, the prison has volunteered to clear the area of brush. Mr. Stratton stated that 2 restrooms are included in the plan with one located near the go-cart track, which would be an ADA (Americans With Disabilities Act) accessible, male/female bathroom with a storage area for tools. The other larger restroom would be located near the arena and it would also include a concession stand, which could be used by the school for track meets as well as by the various groups using the arena. Included would be a 100 foot by 100 foot paved parking area for use by the concession workers. He stated that it sounds like a lot of money to construct the trails; however, the major expense is for the construction of the restrooms. It is proposed that the trails be 10 feet wide so the County can have access with its equipment to maintain same and they could also be used as an emergency vehicle access. Mr. Stratton stated that included in the grant application would be wooden signs on the trails to designate the directions and the mileage, along with smaller signs placed near various species of plants, which would show the scientific and commons names to be identified for the hikers. Chairman Sanchez thanked Mr. Stratton for his presentation and inquired about the matching fund requirement. Mr. Stratton explained that the matching fund requirement would consist of both in-kind services as well as cash. He stated that the County is limited on the amount of work that it can do because of Arizona Revised Statutes Title 34. Chairman

Sanchez inquired if the assistance from the prison for clearing the brush could be considered in-kind services. Mr. Besich stated that if the grant is awarded to Gila County, clearing the brush could apply to in-kind services. Mr. Stratton stated that the in-kind services will mostly come from materials the County would be providing, such as the decomposed granite for the trails. Chairman Sanchez inquired if the trails will be accessible for walking, riding, horseback, 4-wheelers, etc. Mr. Stratton stated that the proposal is for the trails to be used for non-motorized sports. He stated that originally a pond was included in the plans, but there were some drainage issues so those plans were removed from the Grant Application at this time. Supervisor Dawson inquired whether implementation of this proposed plan would impact a future race track in that area. Mr. Stratton showed the Board on the map where the trails had been carefully placed around that area and would not impact the acreage set aside for the race track. Vice-Chairman Martin stated that she had not reviewed this proposed project very carefully and she questioned Mr. Stratton on the amount of money that is proposed to be expended on this project. Mr. Stratton explained that the major expense will be for the restrooms. He stated that Bob Hickman, Facilities Maintenance Manager, supplied his department with the figures based on current costs and because they are ADA-compliant restrooms, the cost is very high. The other cost is the concession stand, which would probably be contracted out, and the majority of the trail building would be done in-house and be in-kind services. He stated that of the \$206,896 matching fund requirement, hopefully the County would be at about 50/50 for in-kind services and cash. Vice-Chairman Martin stated that basically the County would be looking at spending \$100,000 and inquired where the funding would be coming from. Mr. Stratton stated that the funding would come from the Capital Improvements fund. Chairman Sanchez entertained a motion; however, no motion was made by the Board. Chairman Sanchez then made the motion to adopt Resolution No. 07-02-09. Vice-Chairman Martin stated that she would not second the motion because "I need time to think about this. That's an awful lot of money. We could put port-a-johns out there for a long

time for that kind of money. I have to admit that I need more thought on this.”  
The motion died for the lack of a second.

Mr. Stratton requested authorization of the Chairman’s signature on Contract No. SOQ 060106-01 between Gila County and International Contracting Company, Inc. to be the design/build contractor on the Courthouse Windows Replacement Project in an amount not to exceed \$350,000. He stated that there have been problems with the windows of the Courthouse, mostly on the south and east sides. He stated that in the past, the County has tried to contract directly with an architect to get a design and then go out for bids, but there have been problems with the errors and omissions insurance with architects. The County has now advertised for a design/build venture and received a couple of proposals. Mr. Stratton stated that the best proposal received was from International Contracting Company, Inc., the same company that installed the new Courthouse roof. International Contracting Company, Inc. is a general contractor and has previously worked with the same architect that the County has previously used. Supervisor Dawson inquired if the proposal is sticking with the original architectural design. Mr. Stratton stated that attempts are being made to stay as close to the original design as possible, although there will be some differences in material. Vice-Chairman Martin inquired if this proposed work will actually fix the problem with the windows. Mr. Stratton replied that it would. Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously authorized the Chairman’s signature on Contract No. SOQ 060106-01 with International Contracting Company, Inc., in an amount not to exceed \$350,000, to be the design/build contractor on the Courthouse Windows Replacement Project

Mr. Stratton requested the adoption of Resolution No. 07-02-10 allowing Gila County to enter into a Governmental Equipment Lease-Purchase Agreement with Caterpillar Financial Services Corporation to lease-purchase a 143H motor grader (serial # APN00954) to be used by the Consolidated Roads Department in Young. Gila County will piggyback onto Coconino County Bid

No. 2006-19 that was awarded on February 7, 2006. Mr. Stratton stated that this purchase was not included in the current fiscal year budget; however, he recently learned from staff of the need to add a motor grader in Young. Coconino County actually purchased several of these motor graders and Gila County staff has changed the tire size and made some other modifications as needed to this motor grader that will be used in the Young area. Mr. Stratton stated that because this is not a budgeted item, he requested to lease-purchase the motor grader for the remainder of the year and budget the item for payoff in July. Supervisor Dawson inquired about the total value of the motor grader and the payment method. Mr. Stratton stated that the total value is \$270,184.36 and he explained that the lease-purchase is over a period of 5 years to cause minimal impact to this year's budget. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously adopted Resolution No. 07-02-10 allowing Gila County to enter into a Governmental Equipment Lease-Purchase Agreement with Caterpillar Financial Services Corporation to lease-purchase a 143H motor grader (serial # APN00954). Mr. Stratton further explained that an older Champion motor grader assigned to the Fairgrounds will be traded in towards this purchase and a motor grader that is in much better condition will be re-assigned from the Consolidated Roads Department to the Fairgrounds. Mr. Stratton added that he and Mr. Nelson have worked out a payment plan for July in order to recover the HURF (Highway User Revenues Funds) funds. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously voted to convene as the Gila County Library District Board. Jacquie Griffin, Assistant County Manager/Librarian, requested ratification of the Chairman's signature on seven Dedicated Internet Access Service Agreements between the Gila County Library District and Network Services to provide internet access for the Library District Office, Isabelle Hunt Memorial Library, Tonto Basin Public Library, Tonto Basin and Young Library Frame Relay, Payson Public Library, Miami Memorial Library and Globe Public

Library beginning July 1, 2007, for a period of 36 months. She stated that because of time constraints outside of her control, it necessitated that she get signatures on the contracts and then come back to the Board for ratification; however, the contracts will not take effect until July 1<sup>st</sup> and are still contingent upon the ability of this particular company to provide the services it claims it can provide. She then gave a brief overview of the Federal E-Rate Program, which allows libraries and schools to be reimbursed for their costs for providing internet access to the public or students. She explained that the program used to be reimbursed at the rate that was consistent with the free-reduced lunch program, but now the 40-page process includes pre-certification and everything is put out to bid even if there is one provider, which has been the County's case for the past 9 years. Qwest was the only company that could provide T-1 lines and internet access. The County is now required to accept the lowest bid. Ms. Griffin stated that the company providing the lowest bid this year, Network Services, will provide the services over the Qwest lines but the contract amount was significantly lower than Qwest. The company was checked and is a legitimate provider. Included in the Agreements is a clause that states that if the company can't fulfill its obligation, the County may go back to Qwest. She stated that the San Carlos Public Library and the Hayden Public Library do not have an Agreement as Network Services chose not to bid on those 2 libraries, so they will remain with the current County process with the same internet services to be provided to the public as in the past. Vice-Chairman Martin inquired in the event Network Services could not provide the services, if Qwest would take the County back at the same rate they are currently providing. Ms. Griffin stated that she hopes so and language was placed into the contract that the County would be applying for up to a \$1,000 for rebate as the County can only get rebate on the amount it requested. She stated that what the County is currently paying is pretty standard for rural access right now. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved the ratification of the Chairman's signature on the seven Dedicated Internet Access Service Agreements with Network Services for

the Gila County Library District as noted above, beginning July 1, 2007, for a period of 36 months.

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

Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously approved Consent Agenda item numbers 13A-13G, as follows:

- A. Authorization of the Chairman's signature on Amendment No. 5 to Contract No. E6306015 between Gila County and the Arizona Department of Economic Security to increase the total CPIP costs from \$467,396 to \$470,200 for the period of July 1, 2006, through June 30, 2007 and to extend the Contract term from July 1, 2007, through June 30, 2008.
- B. Approval to appoint Lucy Shaw to the Gila County Facility Planning Citizens' Advisory Committee as a representative of the Tonto Apache Tribe.
- C. Approval and authorization for the Gila County Racing Committee to conduct the annual Horse Racing Meet at the Gila County Fairgrounds on the weekends of September 29-30 and October 6-7, 2007.
- D. Authorization for the Chairman to sign a Professional Services Contract between Gila County and Tetra Tech EM, Inc. in an amount not to exceed \$35,000, plus reimbursable expenses and subcontractor/vendor expenses times a factor of 15% for the Water Infrastructure Finance Authority of Arizona, approved on January 17, 2006, to conduct the Blue Ridge Reservoir Drinking Water Financial Feasibility Study.
- E. Approval of the January 2007 monthly departmental activity reports submitted by the Globe Regional Justice of the Peace and the Recorder's Office.
- F. Approval of the personnel reports/actions for the week of February 19, 2007, as follows:

Departure from County Service:

- 1. Laborer – Solid Waste Management – 02-05-07 – Enterprise Fund  
Robert Hall – Temporary position

2. Animal Regulations Enforcement Officer – Rabies Control – 02-16-07 – Rabies Control Fund – Dustin Van Zwol – Resigned for other employment
3. Recorder’s Office Supervisor – Recorder – 02-12-07 – General Fund  
Vonnie Dickison – Hire 12-18-06 – Failure to complete probationary period
4. Recorder Clerk – Recorder – 02-26-07 – General Fund  
Karla Sipes – Hire 11-07-06 – Resigned for other employment
5. Laborer – Constituent Services II – 02-12-07 – Constituent Services II Fund - Manuel Gonzales, Jr. – Temporary position

Hire to County Service:

6. Recorder Clerk – Recorder – 02-07-07 – General Fund - Juliane DeSpain – Replaces Vanessa Gonzalez

Temporary Hire to County Service:

7. Laborer – Constituent Services II – 02-12-07 – Constituent Services II Fund - Angel Gonzales

End Probationary Period:

8. Animal Regulations Enforcement Officer – Rabies Control – 02-19-07 – Rabies Control Fund – Kevin Ward
9. Animal Regulations Enforcement Officer Senior – Rabies Control – 02-05-07 – Rabies Control Fund – Mark Boyd
10. Road Maintenance/Equipment Operator – Consolidated Roads – 02-05-07 – Public Works Fund – Ray Carpenter

Request Permission to Post:

11. Animal Regulations Enforcement Officer – Rabies Control – position vacated by Dustin Van Zwol

**SHERIFF’S PERSONNEL ACTION ITEMS**

Departure from County Service:

12. Detention Officer – Globe S.O. – 02-17-07 – General Fund - Jonica Flores – Hire 02-20-06 – Resigned – reason unknown
13. Detention Officer – Globe S.O. – 02-18-07 – General Fund - Nethanjah Childers – Hire 10-02-06 – Resigned for personal reasons

Hire to County Service:

14. Administrative Clerk – Globe S.O. – 02-19-07 – General Fund - Lisa Bahlen – Replaces Esther Klinger

Departmental Transfer:

15. Detention Officer Cpl. to Sgt. – Globe S.O. – 02-19-07 – General Fund – Jennifer Stout – Temporary detail
16. Detention Officer Lead to Cpl. – Globe S.O. – 02-19-07 – General Fund – Julia Grinder – Replaces Jennifer Stout
17. Detention Officer – Globe S.O. – 02-19-07 – General Fund - Alice Kinney – Replaces Julia Grinder

Position Review:

18. Temporary Detail – Detention Officer Cpl. to Sgt. – Globe S.O. – 02-19-07 – General Fund – Lee Alexander
19. Temporary Detail – Detention Officer Lead to Sgt. – Globe S.O. – 02-19-07 – General Fund – Justin Solberg
20. Correct Step and Salary – Deputy Sheriff – Young S.O. – 09-04-06 – General Fund – David Hornung
21. Salary Increase – Deputy Sheriff – Young S.O. – 01-08-07 – General Fund - David Hornung – Increase one step to correct placement on salary chart to Grade 38 Step 2

G. Approval of the finance reports/demands/transfers for the week of February 19, 2007, (separate handout) as follows:

\$359,889.38 was disbursed for County expenses by voucher numbers X155153 through X155209, X398688 through X398733, X398735 through X398780, X398782 through X398927, and X398929 through X399021.

The hand-issued warrants listing is as follows: voucher number X398535 in the amount of \$9,391.12. **(An itemized list of vouchers is permanently on file with the Board of Supervisors.)**

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 of Supervisors,  
Chairman Sanchez adjourned the meeting at 12:34 p.m.

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Jose M. Sanchez, Chairman

ATTEST:

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Steven L. Besich, County Manager/Clerk