

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, APRIL 25, 2023**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, April 25, 2023 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Ann English, Chairman; Peggy Judd, Vice-Chairman, telephonic; Tom Crosby, Supervisor

Staff Present: Richard G. Karwaczka, County Administrator; Sharon Gilman, Deputy County Administrator; Christine Roberts, Chief Civil Deputy County Attorney; Tim Mattix, Clerk of the Board

Chairman English called the meeting to order at 10:04 a.m.

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

PLEDGE OF ALLEGIANCE

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

CALL TO THE PUBLIC

Frances Alvarez spoke in opposition to the demolition of the Miracle Valley Church and Dome and discussed the reasons.

Jeff Sturges spoke regarding the integrity of Cochise County government.

John Dorsey discussed the history of Miracle Valley and spoke in opposition to the demolition of the Miracle Valley Church and Dome.

Willie Navarro spoke against Cochise County Zoning Regulations, specifically articles 13 and 14, and discussed the reasons.

Rebekah Allen Jones spoke in opposition to the demolition of the Miracle Valley Church and Dome, asked that the property be more secured to avoid further deterioration, and that this be placed on the next Board of Supervisors meeting agenda.

Alfred Kern discussed his concerns about the maintenance of various roads.

George Adams discussed his concerns about the maintenance of various roads including Calle Principal and discussed concerns with a meeting he had with staff and next steps that he will be taking.

Allison Morse stated that she is not opposed to the county paying its debts, but is opposed to general fund taxpayer dollars being used to pay for warrants 60237 (February 14, 2023), 61424 and 61356 (April 25, 2023) and explained the reasons.

Sandy Trull asked for a delay in the jail tax election and discussed the reasons.

Ronald Moen spoke regarding concerns about the future of the Miracle Valley property.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of April 11, 2023.

County Sheriff

2. Approve Cooperative Service Agreement 23-7304-0228-RA between Cochise County and the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service and Wildlife Services, as set forth in an annual work plan for predator and disease control under the Wildlife Damage Management program, effective July, 1 2023 through June 30, 2028.

Finance

3. Approve demands and budget amendments for operating transfers.

Chairman English stated that there was one individual that wished to speak on an item on the consent agenda. Items are not removed from the consent agenda except upon Board member request.

Supervisor Crosby made a motion to approve items 1-3 on the consent agenda. Vice-Chairman Judd seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Development Services

4. Adopt Zoning Ordinance 23-07 to rezone parcel 117-04-116A from SR-43 (Single Residential, one dwelling per 43,000 square feet) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Mr. Randy Landwerlen.

Vice-Chairman Judd made a motion to adopt Zoning Ordinance 23-07 to rezone parcel 117-04-116A from SR-43 (Single Residential, one dwelling per 43,000 square feet) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Mr. Randy Landwerlen. Supervisor Crosby seconded the motion.

Chairman English opened the public hearing.

Robert Kirschmann, Planner II, presented this item using a PowerPoint presentation. Mr. Kirschmann stated that this is a request for rezoning from SR-43 to RU-4 to allow construction of a single family home and detached shop that would be larger than the residence. There are two factors in favor of approval and none identified as against. The Planning and Zoning Commission and staff recommend approval. In response to the Board, Mr. Kirschmann said that it is correct that subordinate means the accessory structure is smaller than the dwelling.

No one chose to speak and Chairman English closed the public hearing.

Chairman English called for the vote and it was approved 3-0.

5. Adopt Zoning Ordinance 23-08 to rezone parcels 302-11-032A and 302-11-032B from R-36 (Residential, one dwelling per 36,000 square feet) to General Business (GB), pursuant to the application of Mr. Dave Terry.

Supervisor Crosby made a motion to adopt Zoning Ordinance 23-08 to rezone parcels 302-11-032A and 302-11-032B from R-36 (Residential, one dwelling per 36,000 square feet) to General Business (GB), pursuant to the application of Mr. Dave Terry. Vice-Chairman Judd seconded the motion.

Chairman English opened the public hearing.

Dan Coxworth, Development Services Director, presented this item using a PowerPoint presentation. Mr. Coxworth stated that this is a request to rezone two parcels from R-36 to GB, which will legitimize an auto impound yard. The Comprehensive Plan allows for this property to be rezoned to GB. Staff notified surrounding property owners and received one letter of support. This request complies with fourteen factors applicable to rezoning and the Planning and Zoning Commission voted unanimously to approve. Staff recommends the condition of screening the property to the north and east of the property. In response to the Board, Mr. Coxworth stated the screening is for the residence on the north side and the school district on the east side of the property.

No one chose to speak and Chairman English closed the public hearing.

Chairman English called for the vote and it was approved 3-0.

6. Adopt Resolution 23-12 to select Owner-Occupied Housing Rehabilitation/Emergency Home Repair as Cochise County's Community Development Block Grant (CDBG) project to forward to the Arizona Department of Housing for funding.

Vice-Chairman Judd made a motion to adopt Resolution 23-12 to select Owner-Occupied Housing Rehabilitation/Emergency Home Repair as Cochise County's Community Development Block Grant (CDBG) project to forward to the Arizona Department of Housing for funding. Supervisor Crosby seconded the motion.

Chairman English opened the public hearing.

Susan Bronson, Planner, presented this item using a PowerPoint presentation. Ms. Bronson stated that the County will receive approximately \$498,000 in Community Development Block Grant (CDBG) funding and detailed the types of projects that are eligible. Projects must primarily benefit low to moderate income persons, eliminate slum or blight, or meet the urgent needs of a health or safety issue. A public hearing was held on February 28, 2023 where comments were solicited from the public. Owner-occupied

housing rehabilitation was recommended, which would either be grants up to \$15,000 or a forgivable loan for projects over \$15,000.

In response to the Board, Ms. Bronson stated that there is a specific process for referrals and individuals should be directed to the Development Services Department. Ms. Bronson clarified that this grant will not be available to the cities of Sierra Vista and Douglas as they have their own funding in place.

No one chose to speak and Chairman English closed the public hearing.

Chairman English called for the vote and it was approved 3-0.

7. Approve or deny the Kaibab Manufacturing Appeal (SUA23-02), appellant Willie Navarro, of the Planning and Zoning Commission's March 8, 2023 Meeting approval of Special Use SU23-05 (Kaibab Manufacturing).

In response to the Board, Ms. Roberts clarified that the public hearing can be opened and the presentation can be heard prior to a motion being made.

Chairman English opened the public hearing.

Christine McLachlan, Planner II, presented this item using a PowerPoint presentation. Ms. McLachlan stated that this is an appeal of a decision made at the March 8, 2023 Planning and Zoning Commission meeting where the Commission unanimously approved a request by Christopher and Gloria Beth Rush for a special use authorization to operate a manufacturing business in unincorporated Cochise County. This request complies with 8 of the 10 factors required to evaluate a special use permit. Staff recommended entering into a private road maintenance agreement for Kaibab Way, limiting the building size, height and color limiting hours of operation, mandating that all business must take place inside, and requiring an insulated structure with no outdoor storage. Ms. McLachlan outlined the two requirements the Board must consider in evaluating appeals of special uses, which are that the decision was erroneous, arbitrary or capricious or abuse of discretion or additional testimony and evidence along with an explanation of why it was not presented to the Commission. She summarized and addressed six claims made in the appeal based on which requirement they fall under. She reviewed one factor in favor of appeal approval and two factors in favor of appeal denial. Staff recommends denial of the appeal which upholds the decision of the Commission.

Christopher Rush, applicant, spoke in opposition to the appeal. He stated that he moved to the area in 2019 and has been running a business in Tucson for 25 years that manufactures maintenance components for the Armed Services. Mr. Rush stated that they assemble clean parts and circuit cards and described the process. He stated that they have no intentions of doing any harm to the environment or landscape and will maintain the road.

Constance Ryan spoke in favor of the appeal and stated that she does not think a business should be placed in between a residential area. She expressed concerns with bonfires on the property.

Willie Navarro, appellant, spoke in favor of the appeal and discussed his background. He stated that the manufacturing facility would jeopardize health, safety, and peacefulness, and disrupt rural residential living. He believes that this decision would set precedence.

Cynthia Navarro spoke in favor of the appeal. She clarified that they purchased the property but put it in their children's name. She does not want to create animosity between the Board and the neighbors and wants the Board to make a decision based on the majority.

Chairman English stated that there are two people that did not wish to speak in favor of the appeal and zero opposed.

Chairman English closed the public hearing.

In response to the Board, Ms. McLachlan stated that if the property is a rural zoned property and they are requesting to do manufacturing they would need to go through a similar process.

Supervisor Crosby made a motion to deny the Kaibab Manufacturing Appeal (SUA23-02), appellant Willie Navarro, of the Planning and Zoning Commission's March 8, 2023 Meeting approval of Special Use SU23-05 (Kaibab Manufacturing). Vice-Chairman Judd seconded the motion.

Chairman English called for the vote and the motion was approved 3-0 [appeal denied].

ACTION

Board of Supervisors

8. Approve Community Enhancement Fund expenditures for District 2: repair bathroom in large hangar at Bisbee-Douglas International Airport, in the amount of \$42,000.

Chairman English made a motion to approve Community Enhancement Fund expenditures for District 2: repair bathroom in large hangar at Bisbee-Douglas International Airport, in the amount of \$42,000. Vice-Chairman Judd seconded the motion.

Chairman English presented this item. Chairman English stated that this would allow the renovation of the bathroom that the United States Forest Service could use when they come in to fight wildfires.

Chairman English called for the vote and it was approved 3-0.

9. Approve Community Enhancement Fund expenditures for District 3: Community Cleanup north of Benson, on or near Appaloosa Lane, in an amount not to exceed \$2,500.

Vice-Chairman Judd made a motion to approve Community Enhancement Fund expenditures for District 3: Community Cleanup north of Benson, on or near Appaloosa Lane, in an amount not to exceed \$2,500. Supervisor Crosby seconded the motion.

Vice-Chairman Judd presented this item. Vice-Chairman Judd stated that this was the site of a wildcat dump site that needed to be cleaned up. The few neighbors in that area will also utilize it.

Chairman English called for the vote and it was approved 3-0.

10. Approve Community Enhancement Fund expenditures for District 3: Willcox Public Pool Rebuild - Water Slide, in the amount of \$25,000.

Vice-Chairman Judd made a motion to approve Community Enhancement Fund expenditures for District 3: Willcox Public Pool Rebuild - Water Slide, in the amount of \$25,000. Supervisor Crosby seconded the motion.

Vice-Chairman Judd presented this item. Vice-Chairman Judd stated that the City of Willcox is replacing their pool with some additional outside funding sources and asked if the County could contribute. In response to the Board, Ms. Roberts stated that an agreement can be prepared to pay the City of Willcox for the slide and it is not necessary to table this item until the agreement is in place.

Chairman English called for the vote and it was approved 3-0.

County Recorder

11. Accept and approve the appointment of Bob Bartelsmeyer as Elections Director for Cochise County.

Supervisor Crosby made a motion to accept and approve the appointment of Bob Bartelsmeyer as Elections Director for Cochise County. Vice-Chairman Judd seconded the motion.

David Stevens, County Recorder, presented this item. Recorder Stevens stated that pursuant to the Intergovernmental Agreement (IGA) with the Board and the County Recorder he was to post and hire, an Elections Director. There were three applicants for the position and one had outstanding qualifications. He asked that the Board approve Bob Bartelsmeyer as Elections Director. Chairman English asked why this was placed on the agenda prior to the Board being informed and before she received information about Mr. Bartelsmeyer. Chairman English stated that her constituents contacting her about Mr. Bartelsmeyer's background before she was informed, and she asked Recorder Stevens if he was concerned that Mr. Bartelsmeyer did not wish contact with previous employers with the exception of one, from 20 years ago. Chairman English expressed concerns and discussed with Recorder Stevens Mr. Bartelsmeyer's qualifications, background and online postings made by Mr. Bartelsmeyer.

Chairman English stated that there are 31 people that do not wish to speak that were in opposition to this item and one in favor.

Jeff Sturges spoke in opposition to this item and discussed the reasons.

Al Anderson spoke in opposition to this item and discussed the reasons.

Allison Morse spoke in opposition to this item and discussed the reasons.

David Penrose spoke in opposition to this item and discussed the reasons.

Tamara Birch spoke in opposition to this item and discussed the reasons.

Cado Daily spoke in opposition to this item and discussed the reasons.

In response to the Board, Recorder Stevens stated that while he has spoken to Vice-Chairman Judd or Supervisor Crosby on numerous occasions, he does not recall talking about this specifically. He understood the IGA to say that he was to post, interview and then present to the Board.

Supervisor Crosby discussed careful handling of elections, referred to previous speakers at work sessions and he is sure that Mr. Bartelsmeyer has concerns that elections are handled accurately and honestly.

Vice-Chairman Judd stated that she knew Recorder Stevens came up with someone but found out from the news who it was. Vice-Chairman Judd stated she would like to hear from Mr. Bartelsmeyer.

Bob Bartelsmeyer stated that he was a private citizen and not an elections director between 2016 and 2021 when the comments were made and he has the liberty to express his opinion. Mr. Bartelsmeyer stated that if they were to ask La Paz County it would be found that he was the most transparent Elections Director and had very high marks with the County Administrator, County Attorney, Board of Supervisors and the Clerk of the Board. He states that it is true that he does not have a college degree but has 144 hours of college credit in political science and agricultural business. He was elected at the age of 21 as county clerk and has 23 years of experience as a county clerk and election authority in Missouri. Mr. Bartelsmeyer stated he has the utmost respect for Lisa Marra and she was very helpful to him when he came to La Paz County addressing some issues and questions he had. Mr. Bartelsmeyer stated that he believes he can bring value to the operations in Cochise County. Mr. Bartelsmeyer stated that he is not against machines and thinks that they are 99.9% accurate, but does want a percentage hand count based on what the election procedures manual calls for.

Chairman English asked Mr. Bartelsmeyer to keep his remarks to what he is trying to rebut. Mr. Bartelsmeyer stated that he is trying to stress that he is qualified and has 30 years of experience. Vice-Chairman Judd stated she is satisfied.

Chairman English called for the vote and it was approved 2-1 (English opposed).

Development Services

12. Approve an Assurance Agreement extension to May 9, 2028, for The Oaks Subdivision, with Pioneer Title Agency, Inc., as Trustee under Trust No. 319061 for Castle & Cooke Arizona, Inc., as Beneficiary of Trust No. 319061.

Supervisor Crosby made a motion to approve an Assurance Agreement extension to May 9, 2028, for The Oaks Subdivision, with Pioneer Title Agency, Inc., as Trustee under Trust No. 319061 for Castle & Cooke Arizona, Inc., as Beneficiary of Trust No. 319061. Vice-Chairman Judd seconded the motion.

Paul Esparza, Building Official, presented this item using a PowerPoint presentation. Mr. Esparza stated that this is a request to extend the Assurance Agreement for The Oaks Subdivision, which is the guarantee that all subdivision improvements will be completed before lots are released. To date, 26 lots have been released and 26% of the subdivision improvements have been completed. The 84 remaining lots remain secured under the assurance agreement and, if approved, the Assurance Agreement would expire on May 9, 2028. Mr. Esparza displayed an aerial view and a phasing map highlighting the lots within the Oaks Subdivision. Liberty Water serves the subdivision and the water infrastructure is in place and the subdivision is being maintained. Staff recommends

approval of the request to extend the Assurance Agreement to May 9, 2028. The Board and Mr. Esparza discussed drainage.

Chairman English called for the vote and it was approved 3-0.

Housing Authority

13. Approve the renewal of Family Self-Sufficiency Grant Agreement, FSS23AZ5152-01-00, awarded by the U.S. Department of Housing and Urban Development to the Housing Authority of Cochise County, in the amount of \$72,000, effective January 1, 2023, through December 31, 2023.

Vice-Chairman Judd made a motion to approve the renewal of Family Self-Sufficiency Grant Agreement, FSS23AZ5152-01-00, awarded by the U.S. Department of Housing and Urban Development to the Housing Authority of Cochise County, in the amount of \$72,000, effective January 1, 2023, through December 31, 2023. Supervisor Crosby seconded the motion.

Anita Baca, Housing Authority Director, presented this item. Ms. Baca stated that the County has been administering this program since 2005 and it is designed for self-sufficiency among those who are participating in the rental assistance programs. Participants meet with a self-sufficiency coordinator to design a roadmap and as their income increases, so does their portion of the rent. That amount goes into an escrow account for the family that is then given to the family upon graduation. In response to the Board, Ms. Baca stated that this program is based on income and they have had Veterans graduate. One Veteran received more than \$16,000 in his savings account and that individual is now on the Resident Advisory Board.

Chairman English called for the vote and it was approved 3-0.

STATE & FEDERAL LEGISLATION

14. Discussion and possible action regarding state and federal legislative matters listed or described in the attached County Supervisors Association Legislative Policy Committee Agenda, the Arizona Association of Counties (AACo) Legislative Policy Committee Agenda, and the proposed State budget, and other matters related thereto.

Chairman English stated the legislature is taking time off. No Board action was taken on this item.

REPORT BY RICHARD G. KARWACZKA, COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS

Mr. Karwaczka stated that the ballots had been mailed out for the May 16, 2023 1/2 cent sales tax for the Jail District. People can return the ballots by mail or they can drop them off at one of the five locations that are at the service centers in Sierra Vista at the Foothills location, Benson, Willcox, Douglas or in front of the Recorder's office in Bisbee, Monday through Friday 8:00 am to 5:00 pm. People should contact the Recorder's office if they did not receive a ballot.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Tom Crosby

Supervisor Crosby deferred his report.

Report by District 2 Supervisor, Ann English

Chairman English deferred her report.

Report by District 3 Supervisor, Peggy Judd

Vice-Chairman Judd deferred her report.

Chairman English adjourned the meeting at 12:05 p.m.

APPROVED:

Ann English, Chairman

ATTEST:

Tim Mattix, Clerk of the Board