

**BOARD OF SUPERVISORS  
NAVAJO COUNTY, ARIZONA**

**JANUARY 20, 2004**

Supervisors' Chambers, Holbrook, Arizona - Time: 9:00 a.m.

**PRESENT:** J.R. DeSpain, Chairman; Jerry Brownlow, Vice-Chairman; Percy Deal, Member; Pete Shumway, Member; Mel Bowers, Jr., County Attorney; Jimmy Jayne, County Manager; and Judy Jones, Clerk of the Board. (Jesse Thompson, Member was in Phoenix attending Indian Nations and Tribes Legislative Day). **Mr. DeSpain** led the Pledge of Allegiance and offered the Invocation.

**CALL TO THE PUBLIC:** *Carol Alongi*, Lakeside area spoke to the Board regarding slumlord and fire safety concerns. The Board directed Ms. Alongi to speak with Dave Ashton, Development Services. *Jack Latham*, Congressman Renzi's office was present on behalf of the Congressman to update the Board. *Frank Turley*, Assessor addressed the Board regarding his retirement letter. *Edward Rains*, concerns regarding improper entry on private property where there are ruins and wildlife. The Board directed Mr. Rains to speak with Bill Cox, Public Works director.

**CONSENT AGENDA:** **Mr. Shumway made a motion** to authorize the Chairman to sign the items in the Consent Folder; motion seconded by Mr. Brownlow; vote unanimously carried. The following items were included in the Consent Agenda: 1) Voucher List for Payment; 2) Board Minutes: January 5, 2004; 3) Assessment and Tax Roll Corrections; 4) Sheriff: Authorize Clerk to apply to ADOT Special Investigations for undercover plate for Sheriff; 5) Superior Court: Approve Paul Julien as Justice of the Peace Judge Pro Tempore effective January 1, 2004 through December 31, 2004; 6) Assessor: Accept resignation effective February 29, 2004 for Frank L. Turley for retirement beginning March 1, 2004.

**RETIREMENT PLAQUE:** **Victor Bork**, Adult Probation Officer, given in appreciation of **17 years of service** to Navajo County Citizens since December 1, 1987; **Sergeant Darryl Ahasteen**, Criminal Investigator, given in appreciation of **19 years of service** to Navajo County Citizens since September 16, 1984: Presented.

**JANUARY MONTHLY ANNIVERSARY EMPLOYEE APPRECIATION:** (10 Years) James Currier; (5 Years) Paula Burnett, Brett Curry, Angela Keene, Beverly Monroe, Susie Nelson and Sam Pogue: Presented.

**BOARD OF SUPERVISORS/BOARD OF EQUALIZATION: Board of Equalization Session:** Swearing in of Assessor Appraisers and Petitioners: **Mr. Brownlow made a motion** to enter into Board of Equalization Session; motion seconded by Mr. Deal; vote unanimously carried. Ms. Jones swore in the Chief Deputy Assessor. The petitioner was not present. Hearings on Petition for Review of Proposed Correction: **Marie Crain-Wyatt, 110-04-024A: Mr. Brownlow made a motion** to uphold the Assessors recommendation to lower the FCV to \$1417 due to Agriculture classification; motion seconded by Mr. Deal; vote unanimously carried. **Mr. Brownlow made a motion** to return to regular session; motion seconded by Mr. Shumway; vote unanimously carried.

**HEALTH SERVICES DISTRICT: Mary Tyler, Interim Director: Board of Directors Session: Mr. Shumway made a motion** to enter into Board of Directors Session; motion seconded by Mr. Brownlow; vote unanimously carried. 1) Approve Amendment #1, Public Health Physical Activity Plan #HG354183 with ADHS.

**Mr. Shumway made a motion** to approve Amendment #1, (\$47,451.24) as presented; motion seconded by Mr. Brownlow; vote unanimously carried. **2) Approve Amendment #2 of the WIC Contract #HG361082 ADHS 2003-2004.** to provide additional funds needed to pay for the data and phone connections (Voice over Internet Protocol) for the WIC clinics in Snowflake and Pinetop. **Mr. Shumway made a motion** to approve Amendment #2 (\$50,320) WIC Contract; motion seconded by Mr. Brownlow; vote unanimously carried. **Mr. Brownlow made a motion** to return to regular session; motion seconded by Mr. Shumway; vote unanimously carried.

**DEVELOPMENT SERVICES:** Dave Ashton, Director: **Public Hearing: 1) Resolution** approving a **Zone Change** request by Curtis Fernau from A-General to Commercial-Residential on the entirety of APN 209-20-015H and an approximate 36' portion of APN 209-20-015J (for a total depth of 300') in the Linden area: Lissa Davis, Planner advised that on June 19, 2003, the P&Z Commission conducted a public hearing. After hearing the Staff Report and taking public comments, the Commission voted to recommend that the Board of Supervisors approve the Zone Change request. A condition of the approval was that the applicant clarify the status of Chamberlain Way, which has been completed. Approval of this application will allow for additional commercial development along State Highway 260 and is contiguous with existing C-R zoning. No one objected by letter or in person. **Mr. Shumway made a motion** to approve **Resolution #04-04** for a **Zone Change** A-General to Commercial-Residential as presented; motion seconded by Mr. Brownlow; vote unanimously carried.

**2) Resolution** amending the Conceptual Master Development Site Plan as requested by Steve Kohner, an agent for Lakeside 160 L.L.C. for the subject property, APN: 212-05-007E in the Wagon Wheel area: Mr. Ashton stated that on November 20, 2003, the Planning & Zoning Commission conducted a public hearing. After hearing the Staff Report and taking public comments, the Commission voted 6-0 to recommend that the Board of Supervisors approve the Amendment to the Conceptual Master Development Site Plan. This application is complete and consistent with the original site plan. He added that there had been two letters received objecting to this amendment. The following stipulations are included in the resolution for approval: *1) All required offsite improvements identified in the Traffic Impact Analysis or Master Drainage Plan shall be constructed or financially assured before the stage of development is constructed that first requires the improvement; 2) All technical requirements of the Navajo County Subdivision Regulations shall be met before approval of any phase of the Tentative Plat for any phase. Variances shall be requested in accordance with Section 4.12 and justified; 3) Sufficient off-road drainage easements shall be made available to accommodate major drainage; 4) Drainage structures, including detention or retention ponds, shall be constructed with the earliest phase that they are warranted and before any other work occurs that may preclude their construction when needed; 5) Developer may submit a request to extinguish the Rim Road easement through the Public Works Department to the Board of Supervisors before the plat is submitted; 6) The Developer must verify that the U.S. Forest Service easements have been extinguished.* Mr. Shumway and Mr. Brownlow expressed strong concerns regarding Rim Road and wanted to make sure the road was not eliminated in this request. Mr. Ashton stated that it would take some time to get Rim Road realigned and this was just a request to allow the development to move forward. They asked that #6 from the Resolution approved January 27, 2003 be included in the Resolution. *(6) The plan for replacing the Rim Road-Wagon Wheel Route should be submitted for inclusion in the White Mountain Regional Transportation Plan before the Tentative Plat is approved. A recommendation from the Regional Transportation*

*Committee should be included with the Tentative Plat documents*). The following residents expressed their concerns: *Dan Delci*, stated that the construction company had shoved the fence posts into his property and had left debris from the tree removal laying along the side of the road in front of his property. He asked the Board to have the contractor correct these problems. Mr. Ashton assured Mr. Delci he would be in contact with the company regarding his concerns. *Pat Howell*, simply stated she did not like the development. **Mr. Shumway made a motion** to approve **Resolution #06-04** amending the Conceptual Master Development Site Plan, request by Steve Kohner, adding the stipulation that the plan for replacing the Rim Road-Wagon Wheel Route should be submitted for inclusion in the White Mountain Regional Transportation Plan before the Tentative Plat is approved and a recommendation from the Regional Transportation Committee should be included with the Tentative Plat documents on APN: 212-05-007E in Wagon Wheel; motion seconded by Mr. Brownlow; vote unanimously carried.

**TREASURER:** Manuel Hernandez, Treasurer: **Request to implement electronic credit card tax payment system with the Official Payments Corporation:** Mr. Hernandez advised that taxpayers had been asking for the ability to pay taxes on line or with a credit card. Official Payment Corporation can do this. There will be no cost or profit for the County. It will be a service to the taxpayers. The taxpayer calls 1-800-2PAYTAX and the process will be explained to them. **Mr. Shumway made a motion** to implement electronic credit card tax payment system with the Official Payments Corporation; motion seconded by Mr. Brownlow; vote unanimously carried.

**NAVAJO COUNTY HASHKNIFE SHERIFF'S POSSE:** Mark Reynolds, Captain: **Resolution** proclaiming the week of January 26 - February 1, 2004 as Navajo County Hashknife Posse Week: **Mr. Shumway made a motion** to **Resolution #07-04** proclaiming the week of January 26-February 1, 2004 as Navajo County Hashknife Posse Week; motion seconded by Mr. Brownlow; vote unanimously carried.

**SCHOOL SUPERINTENDENT:** Sandy Daniels: **Approve Intergovernmental Agreement with Arizona Supreme Court, Administrative Office of the Courts, Juvenile Justice Service Division for FY04-05 & Budget Application for FY 04 Detention Education Funding:** Ms. Daniels stated that the approval of this IGA allows Navajo County to receive funding from federal sources (Title I). The amount of this funding is \$45,661.89 and must be expended in FY04 program year ending June 30, 2004. **Mr. Deal made a motion** to approve the IGA as presented; motion seconded by Mr. Brownlow; vote unanimously carried.

**PUBLIC WORKS:** Bill Cox, Director: **1) Approve Public Works using a Level of Development Process and discontinuing the Primitive Road Policy:** Mr. Cox reminded the Board that at a recent Study Session on the Capital Improvement Plan they had brought forward the concept of a Level of Development Process. The process will eliminate the need to have a Primitive Road Policy. The current policy is too restrictive and with our continued growth does not allow us to provide an adequate level of service. He added that if allowed they could develop a new process that would include the following benefits: 1) Consolidation of both books would for a Road Classification System based on the level of development and the Average Daily Traffic for each road; 2) The process will clearly define the level of service to be given for each roadway classification; 3) As areas grow this would allow us to improve services to these roadways; 4) More roadways will be scheduled for improvements such as upgrading to chip seal or asphalt surfaces upon Board approval and based on function and average daily traffic; 5) The process will be more in line with the state statutes; 6) The process will allow for more roadways to be considered for inclusion into our inventory; and 7) The process will allow us to better manage our inventory. Mr.

Shumway asked if we would continue to sign the Primitive Roads. Mr. Cox stated that we would. Mr. Shumway asked if the proposed policy had been reviewed by the County Attorney to look at liability issues and that prior to approving anything that should be done. Mr. Cox stated he would get the County Attorney's office to review the proposed policy and schedule a worksession to discuss the Level of Development Process with the Board in more detail. **Mr. Shumway made a motion** to have the Level of Development Process document ran by the County Attorney and bring back to the Board at a later date; motion seconded by Mr. Brownlow; vote unanimously carried. 2) Approve the purchase of a Telescoping Paving Fabric Installation Machine from Geotextile Apparatus Company: Mr. Cox stated that the Highway Division crack seals and chip seals an average of 60 miles of roadway per year. The crack sealing process is expensive and time consuming and has caused some problems when we overlay. On lower volume roads according to a Transportation Research Board publication, chip sealing over a paving fabric can eliminate the need for an overlay. We have researched this activity and found that by installing a paving fabric prior to chip sealing or paving helps prevent reflective cracking. The cost of installing the fabric in some cases is lower than crack sealing and the end result of using the fabric is better. We are proposing that we purchase a Telescoping Paving Fabric Installation Machine that will mount to our tractor so that we will have the ability to install the fabric. This will save money and time in our pavement maintenance programs. This attachment is a sole source item and the only manufacturer is located in California. The cost of the machine is \$9,046.02 including freight & Sales tax. He added that this is not a budgeted item, but they can make up the cost in this years budget. Mr. Cox added that the cost of the fabric that would be used by this machine is about \$0.29 per square yard. **Mr. Shumway made a motion** to approve the purchase of the Telescoping Paving Fabric Installation Machine; motion seconded by Mr. Brownlow; vote unanimously carried.

**NAVAJO COUNTY FLOOD CONTROL DISTRICT**: Bill Cox, Floodplain Manager: **Board of Directors Sessions**: Discussion of 5 year Capital Improvement Plan and budget: **Mr. Brownlow made a motion** to move into Board of Directors Session; motion seconded by Mr. Shumway; vote unanimously carried. Mr. Cox stated that this information that is being provided for the Board's information for the upcoming budget hearings and that there were several entities asking for funding and the Board needed to be aware of the fund balances. Tom Hieb, Hydrologist reviewed with the Board the Capital Improvement information as follows: Annual Income from both NCFCD and Little Colorado FCD is \$1,113,517; Annual Fixed Expenses \$549,410; Annual Project Fund \$564,107; Current Account Balances \$3,794,057; Potential Liabilities \$6,412,000; Potential Projects, Snowflake Industrial Park (\$300,000) Hwy 60 Bridge (\$500,000) Lone Pine Dam (?) and Millet Swale Dam (?); Taxes for Navajo County Valuation \$446,712,629 and Little Colorado \$47,204,920. Mr. Shumway suggested that maybe the Lone Pine Dam bridge project and the spillway could be tied together as one project. Mr. Hieb added that he wanted to let the Board know that funds for projects are limited and that he knew there was some in cost-sharing on some of the projects. Mr. Cox added that the bridge would be a 50/50 project with ADOT and the City because they want to change the flow from a 25-Year flow to a 50-year flow. The item is basically to inform the Board prior to the budget presentations coming up in the next few months. **Mr. Brownlow made a motion** to return to regular session; motion seconded by Mr. Shumway; vote unanimously carried

**HUMAN RESOURCES**: Gail Sandoval, Director: 1) Approval of Personnel Actions: **Mr. Deal made a motion** to approval Personnel Actions; motion seconded by Mr. Brownlow; vote unanimously carried. (Mr. Shumway not present). 2) Approve job description for Grant Administrator position: Ms. Sandoval request the next two items be rescheduled for February 2, 2004. 3) Approve job description for Parks, Recreation

& Fair Manager position.

**BOARD BUSINESS:** Mr. Jayne informed the Board that Human Resources would be doing informational meetings throughout the County regarding the changes to our Health Insurance. Chairman DeSpain requested that a member of the Personnel Commission be asked to attend each of those meetings.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Monday, February 2, 2004, upon a **motion made by Mr. Brownlow**; motion seconded by Mr. Deal; vote unanimously carried. The meeting adjourned at 11:40 a.m.

**APPROVED:**

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J. R. DeSpain, Chairman

**DATE:**

**ATTEST:**

**Judy Jones, Clerk of the Board**

**The following Navajo County demands were audited, approved and ordered paid by the Board:**

AZCoWrksComp\$102310.07;AZDeptAdmin\$8646.06;StateComp\$2252.03;AZDOC\$1500;ADWR\$5,000;BtrCom\$2272.10;Bradco\$3331.54;Cntrln\$3428.21;CWagmer\$6506.75;Hlbrk\$1400;HlbrkUtil\$3360.05;EJoFC\$5640.17;EMorse\$1669;FrnrCom\$2988.60;HatchCnstr\$50,980.02;HomeDep\$1508.93;HghsCaln\$5805.82;JEFuller\$4444.71;MMCIng\$4390.37;MsnUnfrm\$2156.69;NCRF\$3827.57;NCShrfRF\$2156.69;Qwest\$1581.46;RAK\$1720.93;RCS\$2918.31;SpcltLdrs\$3952.82;StateBar\$11475;StrlngFnc\$23585.94;SrfcCont\$37683;SprTstng\$1874.29;TAPCO\$4000;Trnsrce\$2118.76;Unsrce\$16256.94;WhtMtnCnsIng\$4692.50;WhtMtnLgl\$5535;KachinaOfc\$1785.47;WhtMtnSchIDntl\$2500;