

**NAVAJO COUNTY BOARD OF SUPERVISORS
MONDAY, FEBRUARY 7, 2005
MINUTES**

Board of Supervisors Chambers, Holbrook, Arizona – Time 9:00 a.m.

PRESENT: Jerry Brownlow, Chairman; Percy Deal, Vice-Chairman; Jesse Thompson, J.R. DeSpain, David Tenney, Members; James G. Jayne, County Manager; Lance Payette, Deputy County Attorney; June Foard, Secretary. David Tenney led the Pledge of Allegiance and Invocation.

CALL TO THE PUBLIC: None

CONSENT AGENDA: 1) Voucher list for payment 2) Back Tax Land Deeds 3) Assessment and tax roll Corrections 4) Clerk of Superior Court report (December) 5) Justice Court reports (December): Winslow #2; Snowflake #3 6) Constable reports (December): Show Low #5; Pinetop #6 7) Approval of Bad Check Program quarterly report 8) Approval to install two (2) regulatory, “NO TRUCKS ALLOWED” signs on Pinedale Road, just before Pinedale Bridge 9) Appointment of Wendell DeCross to Planning & Zoning Commission for District V 10) Appointment of John Dalton to Planning & Zoning Commission for District III 11) Board minutes: November 8 & 15, 2004 12) Letters of appreciation re: Winslow Levee Emergency: **Mr. DeSpain made a motion** to authorize the Chairman to sign the items on the Consent Agenda: motion seconded by Mr. Tenney. Motion carried unanimously.

HUMAN RESOURCES: Approval of Personnel Actions: Ms. Calisen presented the personnel actions. **Mr. Tenney made a motion** to approve the personnel actions as presented: motion seconded by Mr. DeSpain. Motion carried unanimously.

BOARD OF SUPERVISORS:

1) Approval to change Board of Supervisors meeting scheduled for March 7, 2005 to March 14, 2005, due to NACo Legislative Conference: **Mr. DeSpain made a motion** to move the Board meeting to March 14, 2005: motion seconded by Mr. Tenney; motion carried unanimously. Mr. Deal also requested that the meetings not start until 9:00 a.m. as it is difficult for him to get in earlier.

2) Confirm remainder of Board meeting schedule for 2005: The schedule was discussed and approved.

3) Discussion and possible board action re: Greenlee County’s lawsuit to recover underpayments in PILT (Payments in Lieu of Taxes Act) funds: Mr. DeSpain reported that at the Coalition of Counties meeting he attended, discussion was held regarding this issue and the statutes were reviewed. Deputy County Attorney, Lance Payette, reported that a national law firm had approached Navajo County to join in the lawsuit. He reported that a law firm in Oregon has fronted the monies and they are moving forward. A letter of support was discussed. **Mr. Tenney made a motion** to authorize a letter of support for attempts to recover underpayments in the PILT funds: motion seconded by Mr. DeSpain. Motion carried unanimously.

COOPERATIVE EXTENSION: Steve Campbell, Extension Agent: Approval of Intergovernmental Agreement (IGA) for Sitgreaves Community Wildfire Protection Plan (SCWPP) implementation: Mr. Campbell gave the board a quick overview of the IGA. Mr. Deal asked if the \$21,000 would be an in-kind contribution or cash. Mr. Campbell explained it would be cash. **Mr. Tenney made a motion** to approve signing the IGA as presented; motion seconded by Percy Deal. Motion carried unanimously.

ARIZONA DEPARTMENT OF COMMERCE: Rafael Tapia, ADOC Regional Representative

Presentation of Enterprise Zone Recertification Certificate: Mr. Tapia presented the Enterprise Zone Recertification Certificate to the Board of Supervisors. Mr. Deal asked about benefits for the tribes. Mr. Tapia indicated he would follow up with Mr. Deal at a later time.

ASSESSOR: Cammy Darris, Navajo County Assessor: Request for Board of Supervisors to pay interest to investor who purchased a Certificate of Purchase sold in error: Ms. Darris explained the need to pay interest to an investor. **Mr. DeSpain made a motion** to approve payment to the investor; motion seconded by Mr. Tenney. Motion approved unanimously.

TREASURER: Manny Hernandez, Navajo County Treasurer: Approval of Application for Treasurer's Deeds for the State of Arizona: Mr. Hernandez presented the list to the Board of Supervisors to request approval of the application for Treasurer's Deeds. **Mr. DeSpain made a motion** to approve the application; motion was seconded by Mr. Tenney. Motion approved unanimously.

RECORDER/ELECTIONS: Kelly Dastrup, Elections Coordinator: Acknowledgement of upcoming elections for the Pinon Unified School District #4, Show Low Unified School District #10 and the Town of Snowflake Primary: Ms. Dastrup requested acknowledgement of upcoming elections. Mr. Deal indicated that he felt there should be a better effort to educate people about the election. Ms. Dastrup reported the election department's job is to let people know there will be an election. She added the department could not go into the details of the election. **Mr. DeSpain made a motion** to approve the list of upcoming elections; motion was seconded by Mr. Tenney. Motion approved unanimously.

NAVAJO COUNTY PUBLIC HEALTH DISTRICT: Mary Tyler, Interim Director/Kevin Neill, Bioterrorism Program Manager **Board of Directors Session:** **Mr. Thompson made a motion** to enter into the Navajo County Public Health District; motion seconded by Mr. DeSpain. Motion approved unanimously.

1) Approval of service contract with BioMedical Waste Solutions for disposal of Health District and Jail Health medical waste: Ms. Tyler explained the contract with BioMedical Waste Solutions. **Mr. Tenney made a motion** to approve the contract with BioMedical Waste Solutions; motion was seconded by Mr. DeSpain. Motion approved unanimously.

2) Approval of State approved funds for purchase of Volunteer ID card system: Mr. Neill explained the purchase of a Volunteer ID Card system. **Mr. DeSpain made a motion** to approve the purchase of the system; motion was seconded by Mr. Tenney. Motion approved unanimously.

3) Approval of State approved funds for purchase of Portable Joint Information Center: Discussion was held on the proposed purchase of a Portable Joint Information Center. Mr. Thompson asked if use of the information center would be extended to the reservation and was assured that it would be used where needed. **Mr. Tenney made a motion** to approve the purchase of a Portable Joint Information Center using State approved funds; motion was seconded by Mr. Thompson. Motion approved unanimously. **Mr. DeSpain made a motion** to return to regular session; motion was seconded by Mr. Tenney. Motion approved unanimously.

(At this time, Mr. Jayne announced that he appointed Mr. Dusty Parsons as the interim Public Works Director effective today)

PUBLIC WORKS: Dusty Parsons, Interim Co-Director

Public Hearing: Approve **Resolution** extinguishing a portion of the public roadway easement (Penny Lane) on the southwest corner of APN 212-23-216, Pinetop area; Mr. Parsons announced this was a public hearing relating to extinguishing a portion of the public roadway easement on Penny Lane. Mr. Parsons

reported they were recommending that the cul-de-sac portion be abandoned. He indicated there were three options. 1) Homeowners could relocate their facilities. Mr. Parsons stated he felt this was not a feasible option. 2) Abandon the right - of - way. Mr. Parsons said they had received a letter signed by several of the residents indicating they oppose this option. 3) Abandon a portion of the Cul-de-sac. Mr. Parsons stated that this would be probably the best option to at least abandon the upper portion of the cul-de-sac then keep the 25 foot area along the rest of the easement. Chairman Brownlow asked if there were comments from the public. Mr. Dave Lucas reported he was there to speak on behalf of some of the homeowners on Penny Lane. He indicated the information presented today was information he had not seen before. Mr. Lucas indicated the original petition was to abolish the entire easement which would restrict the amount of road space allowed for emergency vehicles to get to residents further down the road. He also expressed the homeowners' desire to see the easement width the same through the entire road and to extend the easement further down the road to the east. Chairman Brownlow indicated no action could be taken regarding the request to extend the easement at this meeting. Mr. Parsons suggested that could be addressed at a later time, but that the homeowners could not be required to give up their right-of-ways. If the homeowners developed an improvement district, this issue could be addressed. Cheryl Brands with the Lakeside Fire Department agreed with Mr. Lucas pointing to an area on the site map where she indicated it was almost impossible to get emergency vehicle access. She indicated the fire department would like to be brought in when developments are in the planning stage to assist in determining if there is enough room to get equipment in and out of an area and if there is an adequate water supply. Mr. Lucas asked what steps could be taken to require the residents on the north side to relinquish the 25 feet. Mr. Parsons explained that short of condemnation, the property owners could not be forced to give up their property. Ms. Kathy Barkosky addressed the board regarding this issue, stating people are building where it will invade this easement. Chairman Brownlow requested that Mr. Parsons go over the options again. Mr. Brownlow indicated the petitioners – Mr. and Mrs. Kiker were in attendance at the meeting. Mrs. Kiker asked if the third option were put into effect, where the additional 25 feet would come from. Chairman Brownlow explained that in the future, everyone would like to have that 50 foot easement preserved. He added that if there is a road improvement district formed, the 50 feet would already be preserved. Mr. Parsons suggested the group look at these other issues at a later date and concentrate on the Cul-de-Sac issue today. **Mr. Tenney** made a motion to abandon the north portion of the Cul-de-Sac, Mr. DeSpain seconded the motion. Motion unanimously approved.

SHERIFF'S OFFICE: Sheriff Gary Butler/Chief Greg Eavenson

1) Authorization to enter into Memorandum of Agreement (MOU) with National Park Service for Petrified Forest National Park for cooperative law enforcement and emergency incident response:

Chief Eavenson reported on the proposed MOU with the National Park Service for law enforcement and emergency incident response. Mr. DeSpain added he had met with Park Superintendent Lee Biaza regarding this issue. Mr. DeSpain indicated that both he and the Superintendent agreed this was a very necessary agreement. **Mr. DeSpain made a motion** to approve entering into a 5 year MOU with the Petrified Forest for cooperative law enforcement and emergency incident response; Mr. Tenney seconded the motion. Motion unanimously approved.

2) Authorization to purchase replacement transport van: Chief Eavenson reported the transport van to be replaced had over 350,000 miles on it. A new van would be purchased from Jail Enhancement funds for approximately \$33,600. **Mr. Thompson made a motion** approve the purchase of a replacement transport van; Mr. Tenney seconded the motion. Motion unanimously approved.

3) Authorization to purchase replacement vehicles and associated emergency equipment: Chief Eavenson requested permission to proceed with the purchase of replacement vehicles on state bid and also to purchase associated emergency equipment that has previously been approved in the budget. **Mr. Tenney made a motion** to approve authorization to purchase replacement vehicles and emergency equipment; Mr.

DeSpain seconded the motion. Motion unanimously approved.

PARKS DEPARTMENT: Sam Pogue, Director: Authorization for Navajo County to lease their race dates to Turf Paradise for source of revenue permitted by the Arizona State Racing Commission: Mr. Pogue requested a letter from the Board of Supervisors to authorize races to be conducted at Turf Paradise. He added that the County should receive in the neighborhood of \$18,000 for the races. The monies are used on maintenance of the fairgrounds facilities. **Mr. DeSpain made a motion** to authorize Navajo County to lease their race dates to Turf Paradise; Mr. Tenney seconded the motion. Motion unanimously approved.

ADMIN/FINANCE/SPECIAL DISTRICTS: Leida Hatch, Special Districts Accountant: Board of Directors Session: Update on engineering issues in the Scott's Pine North Improvement District: **Mr. DeSpain made a motion** to enter into a Board of Directors Session for Scott's Pine North Improvement District; motion was seconded by Mr. Tenney. Motion unanimously approved. Ms. Hatch explained there were drainage issues related to this improvement district and it had been requested that a study on the drainage be done. Mr. Kent Delph from Delph Engineering reported on the status of the study and completing the installation of culverts. He reported that they were behind schedule, but should have everything completed within the next few weeks. It was suggested that any decisions be postponed until the March 14, 2005 Board of Supervisors meeting. It was moved and seconded to return to regular session. Motion unanimously approved.

PUBLIC WORKS: Dusty Parsons, Interim Co-Director

1) Approval of funding request for operator salaries for road maintenance in the Forest Lake Chapter area: Mr. Parsons addressed the board regarding the funding for the Forrest Lakes Community area. **Mr. Deal made a motion** requesting that funding be awarded in the amount of \$11,000.00 and that a manual warrant be requested for the first month's expenses in the amount of \$3,500.00; Mr. Tenney seconded the motion. Motion unanimously approved.

2) Approval of funding request for road maintenance in the Black Mesa Community School area: Mr. Parsons addressed the board regarding a request for road maintenance funds for the Black Mesa Community School area. Mr. Ben Johnson reported on the condition of the area roads. He reported it was almost impossible to get children to the schools at times. Ms. Irene Begay added that there are times when the children cannot get to school and they have been holding school on Saturdays to get caught up. **Mr. Deal made a motion** to approve the use of \$25,000 from District I Special Road funds to help with road maintenance in the Black Mesa Community School area; Mr. Tenney seconded the motion. Motion unanimously approved.

LUNCH/WORKSESSION:

1) Presentation by Finance Department re: travel policies and procedures: Mr. Menlove and Ms. Nelson reviewed the travel policies and procedures with the Board of Supervisors.

2) Discussion of project priority list as requested by Congressman Rick Renzi: Discussion was held and a priority list of projects was developed by the Board of Supervisors. The list will be submitted to the Congressman's office.

BOARD OF SUPERVISORS: Petition by citizens requesting the County to take action to re-establish public access to Rainbow Lake via South Lake Road: Mr. Curtis Jennings addressed the board speaking on behalf of some of the property owners on South Lake Road. Discussion was held on the access to the south side of the lake. He reported that access has been denied due to a fence that has been placed across the road. Mr. Jennings reported that prior to being closed to the public, the road was used as a public

access road and had been for many years. He added that the Fish and Wildlife had used the road and the area to launch their boats. Mr. Jennings and the other property owners who were present requested that the county do a complete title search. Ms. Bobby Coxen addressed the board. She stated that her family owned property along the road and there had always been access to the lake at that location. Mr. Aschauer addressed the board and said the property was his. He indicated he had fenced the property due to misuse of the area. He stated that he had to clean up the property time after time due to people leaving garbage. Mr. Aschauer produced documents regarding ownership and presented them to the board. Lance Payette, Deputy County Attorney, advised the board that there should be a full title search done and that it needs to be established whether there is a public need for access to the lake at this particular location. **Mr. DeSpain made a motion** to instruct staff to investigate and determine the County's responsibility for access to Rainbow Lake; Mr. Tenney seconded the motion. Motion unanimously approved.

PUBLIC WORKS/PLANNING & ZONING: Dusty Parsons/Dick Young, Co-Interim Directors; Dave Ashton, Deputy Director Planning & Zoning; Tom Hieb, Deputy Director Flood Control; James Menlove, Finance Director; Lance Payette, Chief Deputy County Attorney:

1) Public Hearing: Approval of Resolution amending the Navajo County Subdivision Regulations and Requirements: Mr. Young presented the proposed changes amending the Navajo County Subdivision Regulations. There were no comments from the public. **Mr. Tenney made a motion** to approve by **Resolution #08-05** the amendments of the Navajo County Subdivision Regulations and Requirements; Mr. Thompson seconded the motion. Motion unanimously approved.

2) Resolution approving proposed amendments to Articles 15, 18, 19, 20 & 30 of the Navajo County Zoning Ordinance: Mr. Ashton presented the proposed amendments to the Board. Discussion was held regarding the need to refine the portion of the amendments concerning storage of equipment for contractors. Several board members expressed concerns on some of the amendments. Several contractors in the audience also expressed some concerns with the proposed amendments. Discussion was held on various solutions. **Mr. Tenney made a motion** to approve the first five amendments and take the next five proposed changes back to Planning & Zoning for possible revisions; Mr. Thompson seconded the motion. Motion unanimously approved.

3) Direction to County Attorney and Planning & Zoning concerning drafting of ordinance to regulate "adult" or "sexually oriented" businesses: Mr. Payette addressed the board regarding the possible interest in Navajo County to locate some sexually oriented businesses. He indicated the application would need to come before the Planning and Zoning Commission, but there needs to be some direction from the Board of Supervisors. He indicated there were several approaches the board could take. They could 1) not do anything at all; 2) regulate as a zoning issue; or 3) set up license/business permits. He suggested the board might want to work with some family groups. It was suggested that Planning and Zoning staff study the options and come back with recommendations at the February 22, 2005 meeting.

4) Approval for Administration to purchase a 1997 Chevrolet Blazer from Public Works: Mr. Menlove explained the request for Administration to purchase the Public Works 1997 Chevrolet Blazer to be used by the Assessor's office. It was explained that the Assessor's vehicles are in poor shape and keep breaking down. **Mr. DeSpain made a motion** for Administration to purchase the 1997 Chevy Blazer from Public Works; motion was seconded by Mr. Tenney. Motion unanimously approved.

5) Approval for Public Works to purchase a 2005 Chevrolet Astro van: Mr. Young requested the approval for Public Works to purchase a 2005 Chevrolet Astro Van. He reported the funds would come from savings from money earned at the auction held last fall and money from sale of the Chevy Blazer. **Mr. Tenney made a motion** to approve purchase of the Chevy Astro Van; motion seconded by Mr. Thompson. Motion unanimously approved.

6) Award of Contract #B04-02022, Reconstruction of Woodland Road: Mr. Young reported the low bidder on Contract #B04-02022 is Hatch Construction and Paving, Inc. He recommended that the contract

be awarded to Hatch Construction. **Mr. Tenney made a motion** to award Contract #B04-02022 to Hatch Construction; motion was seconded by Mr. Thompson. Motion unanimously approved.

7) Approval to increase the budget for the Woodland Road Construction: Mr. Young requested the budget for the Woodland Road Construction be increased. He indicated the low bidder estimate for the project was quite a bit over the current budget balance. He added the staff recommendation was that additional funding be moved from the 5 year capital improvement plan for Porter Mountain Road Improvement Project. That project will not be designed for another two years. **Mr. Tenney made a motion** to approve the increase in the budget for Woodland Road Construction; motion was seconded by Mr. DeSpain. Motion unanimously approved.

8) Approve funding to host breakfast for Arizona Department of Transportation (ADOT) Board meeting: Mr. Parsons presented information on the cost for hosting the quarterly ADOT Board breakfast at the County. **Mr. DeSpain made a motion** to approve the expenditure as presented; motion seconded by Mr. Thompson. Motion unanimously approved.

9) Approve funding to haul coal from Peabody Mine to Pinon: Mr. Parsons requested approval for \$1,250.00 to pay for hauling of coal from Peabody Mine to Pinon. He reported many people cannot make it to the mine to get their coal. Mr. Parsons reported a local trucking firm had given a very reasonable quote for the service. **Mr. Thompson made a motion** to approve the expenditure for hauling coal; motion seconded by Mr. Tenney. Motion unanimously approved.

10) Approval to purchase portions of two (2) parcels (72 S. Woodland Road; Ponderosa Park Shores) in support of the Woodland Road project: Mr. Young presented information on the request to purchase property along Woodland Road in order to construct the proposed improvements. **Mr. Tenney made a motion** to issue manual warrants for Mr. and Mrs. Earl Collins in the amount of \$5,000 and Mr. and Mrs. Joseph Coates in the amount of \$5,879.28 for their parcels; motion seconded by Mr. DeSpain. Motion unanimously approved.

11) Navajo County Flood Control District Board of Directors Session: Approval of Winslow Levee Committee members: **Mr. Tenney made a motion** to enter into Navajo County Flood Control District Board of Directors Session; motion seconded by Mr. DeSpain. Motion unanimously approved. Mr. Tom Hieb reported on the formation of a committee to look at the issues to be resolved in order to rehabilitate the Little Colorado River Levee near Winslow. The issues include technical, financial, risk management, legal and political ramifications. He reported that there have been several recommendations for individuals to be appointed to the committee: Supervisors Mr. DeSpain and Mr. Thompson, Deputy County Attorney Lance Payette, Finance Director James Menlove, Risk Manager Tommy Price, Deputy Director – Flood Control Tom Hieb, and James O’Haco. **Mr. DeSpain made a motion** to approve the committee members; motion seconded by Mr. Tenney. Motion unanimously approved. **Mr. Thompson made a motion** to return to regular session; motion seconded by Mr. Tenney. Motion unanimously approved.

ADJOURN: **Mr. Thompson made a motion** to adjourn; Mr. Tenney seconded the motion. Motion unanimously approved and the meeting was adjourned at 4:27 p.m.

APPROVED:

Chairman

Date

ATTEST:

James G. Jayne, Clerk of the Board