

**NAVAJO COUNTY BOARD OF SUPERVISORS MINUTES
TUESDAY, FEBRUARY 6, 2007**

9:00 A.M. CALL TO ORDER: Supervisor Thompson led the Pledge of Allegiance and offered the invocation.

PRESENT: David Tenney, Chairman; J.R. DeSpain, Vice-Chairman; Percy Deal, Member; Jesse Thompson, Member; Jerry Brownlow, Member; James Jayne, County Manager; Mel Bowers, County Attorney; and Darlene Fraley, Clerk of the Board.

CALL TO THE PUBLIC: No one responded.

CONSENT AGENDA: a) Vouchers; b) Minutes—August 25, 2006, November 6, 2006, December 4, 2006 and December 18, 2006; c) Amendment to Arizona Criminal Justice Commission budget for grant funds of \$92,475 to address the methamphetamine problem in Navajo County; d) Renewal of agreement with A. Wayne Hardy, MSN, FNP for medical services at jail and juvenile detention facilities with increase of \$200.00 per month effective July 1, 2007; e) Appointment request by Navajo County Democratic Party Committee of Precinct Committeemen: Marcia D. Garnett, Eleanor C. Nauman, Nancy L. Avery, Amy Elizabeth Shumway, Rosezene Vetaw and Kris Licht; f) Appointment request by Navajo County Republican Party Committee of Precinct Committeemen: Donna Lineberry, Bruce Olsen, Paul Corathers, Andrea M. Briggs, and Albert D. Briggs; g) Intergovernmental Agreement for election services to the Pinedale Domestic Water Improvement District; h) Name an existing road in the Woodruff area “Martin Road” in Section 23 Township 15N Range 22E; i) Name an existing road in the Pinetop/Lakeside area “Conner Drive” in Section 28, Township 09N and Range 22E; j) Re-name an existing road in the Pinetop/Lakeside area from “High Life Lane” to “Reed Lane” in Section 35, Township 09N and Range 22E; k) Letter of Support for P.L. 106-391, Secure Rural Schools and Community Self-Determination Act: **Supervisor DeSpain made a motion** to approve the Consent Agenda items and authorize the chairman to sign the items on the report; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

HUMAN RESOURCES: Consideration and possible approval of Personnel Actions: Gail Calisen reviewed the 53 items on the report. Supervisor Thompson inquired why on #2 the change of work hours took place without giving the supervisors information. Gail Calisen advised the PAF only listed the reduction to the number of hours, was effective January 8, 2007 and many items are implemented prior to bringing it before the board. James Jayne stated this employee works for the Superior Court and will ask Marla Randall to visit briefly with the Chairman as to why the PAF submitted by Superior Court. **Supervisor Brownlow made a motion** to approve the items and then withdrew the motion when Chairman Tenney requested an explanation be brought forward. Supervisor Deal inquired what #46, a commissioner, is and Mr. Bowers stated that position is for child support hearings.

BOARD OF SUPERVISORS:

- a. **Recognition presentations (Supervisor DeSpain, Supervisor Tenney):** Supervisor DeSpain stated he was present at the annual county fair awards and appreciation banquet where he accepted this award in recognition of the Board of Supervisors’ contribution to the fair. He presented the recognition plaque to the board.

Chairman Tenney read a letter of recognition received from the Hopi Education Endowment Fund for Supervisor Deal’s action as a Good Samaritan when he rescued an elderly gentleman and his wife who were stuck in the mud. The gentleman sent a \$500 donation to the Hopi Education Endowment Fund along with a letter of appreciation outlining the incident. Supervisor Deal advised he was surprised to receive this recognition from a stranger, stating he encountered this elderly, handicapped person late on a very cold evening

when a storm had created terrible off-pavement road conditions. He advised he pulled them out with a tow rope and pointed them in the right direction when he realized they thought they were heading back to Winslow and were going the wrong direction. He watched their progress in the rear view mirror and noticed they slipped into the ditch again and he went back and pulled them out again. Supervisors expressed appreciation for Supervisor Deal's actions.

- b. Consideration and possible approval of requests for Congressional assistance for submission to Congressman Renzi (Supervisors): Jack Latham addressed the board outlining funding that has come in to Navajo County as a result of Congressman Renzi's support and invited questions to take back to Congressman Renzi. Supervisor Thompson advised that he asked Mr. Latham to find information on the 1934 freeze area, discussing the compact between the Navajo and Hopi to lift the construction ban. He advised it is an effort to find funding to rebuild communities in that area. **Supervisor DeSpain made a motion** to approve the letter as submitted requesting Congressional assistance for projects; motion seconded by Supervisor Brownlow. Supervisor Deal discussed that the meth issue has limited resources on the reservation to address problems including the lack of a decent jail. He requested more information about the Congressman's involvement in supporting law enforcement on the reservation. Jack Latham advised that there has been communication with the Congressman about public safety.

ELECTION SERVICES:

- a. Consideration and possible approval to conduct precinct-based election for the Town of Snowflake Primary Elections, March 13, 2007 and General Elections, May 15, 2007: Kelly Dastrup reviewed this request with the board. **Supervisor Brownlow made a motion** to conduct a precinct-based election for the Town of Snowflake Primary Elections, March 13, 2007 and General Elections, May 15, 2007; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.
- b. Consideration and possible approval to conduct May 15, 2007 elections: City of Winslow Special all-mail ballot; Pinedale Domestic Water Improvement District all-mail ballot; Timberland Acres Special Road District #1 all-mail ballot; White Mountain Lake Special Road District #2; and White Mountain Summer Home Domestic Water Improvement District all-mail ballot: Kelly Dastrup discussed the requests related to these elections. Supervisor Tenney thanked those in the audience that were here in support of this action. Supervisor DeSpain encouraged citizens to participate in the election process as these boards impact their daily lives. **Supervisor DeSpain made a motion** to conduct May 15, 2007 elections: City of Winslow Special all-mail ballot; Pinedale Domestic Water Improvement District all-mail ballot; Timberland Acres Special Road District #1 all-mail ballot; White Mountain Lake Special Road District #2; and White Mountain Summer Home Domestic Water Improvement District all-mail ballot; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

FINANCE: Consideration and possible appointment by **Resolution # 03 - 07** of the Board of Directors for **The Industrial Development Authority of Navajo County:** James Menlove advised that this action would appoint five members to The Industrial Development Authority of Navajo County reading the names and terms of these individuals: Paul Watson and Greg Butler for a term of two years, Peggy Belknap and Joshua Hall for a term of four years, and Charles Hendrickson for a term of six years. **Supervisor Thompson made a motion** to approve by **Resolution # 03 - 07** the members of the Board of Directors and their terms for The Industrial Development Authority of Navajo County; motion seconded by Supervisor DeSpain. James Jayne advised that Joshua Hall was concerned that as a member of the Independent Redistricting Commission he could not serve another elected position but received clarification that he is eligible for this board. Supervisor Thompson reported that the Hopi may want to use the IDA in the future. Vote unanimous approving the motion.

PUBLIC WORKS:

- a. **Navajo County Flood Control Board of Directors' Session: Supervisor DeSpain made a motion** to enter into the Navajo County Flood Control Board of Directors' session; seconded by Supervisor Brownlow; vote unanimous approving the motion.
- i. **Consideration and possible approval of a service contract/professional service with J.E. Fuller Hydrology and Geomorphology not to exceed \$20,000 for services and repairs of the rain gauges and training for the rain gauge system:** Dusty Parsons advised this firm had basically built the existing system and it would be advantageous to have them do the repairs. Dusty Parsons responded to questions from Supervisor Deal regarding the placement and initial cost of the existing rain gauges. Supervisor Deal stated he would like the county to install gauges along the two major washes in his district in appropriate places for the purpose of safety and planning and Dusty Parsons stated this will be considered during the next budget process, advising he believes gauges are installed on the Polacca and Oraibi washes. **Supervisor Deal made a motion** to approve a service contract/professional service with J.E. Fuller Hydrology and Geomorphology not to exceed \$20,000 for services and repairs of the rain gauges and training for the rain gauge system; motion seconded by Supervisor DeSpain. Supervisor Thompson reported that information provided by rain gauges has been helpful to Bird Springs. Vote unanimous approving the motion.
 - ii. **Consideration and possible approval of amendment to the professional services contract with Western Technologies not to exceed \$6,000 to perform compaction and soil testing of Winslow levee repairs:** Dusty Parsons discussed the Winslow levee and stated they are now within 1' of free board. Supervisor DeSpain requested that this work be continued as part of the plan to minimize risk and liability. **Supervisor DeSpain made a motion** to approve an amendment to the professional services contract with Western Technologies not to exceed \$6,000 to perform compaction and soil testing of Winslow levee repairs; motion seconded by Supervisor Deal; vote unanimous approving the motion.
- Supervisor DeSpain made a motion** to return to regular session; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- b. **Consideration and possible approval of funding in an amount not to exceed \$2,063.78 from District III LTAF II funds for vehicle operating expenses for Alice's House:** Dusty Parsons reviewed this request and Supervisor DeSpain stated that he recently attended a meeting for those agencies that assist in providing housing and transportation costs, realizing within that meeting there was a need for funding for Alice's House for these expenses. **Supervisor DeSpain made a motion** to approve funding in an amount not to exceed \$2,063.78 from District III LTAF II funds for vehicle operating expenses for Alice's House; motion seconded by Supervisor Thompson; vote unanimous approving the motion.
- c. **Consideration and possible approval of funding in an amount not to exceed \$3,671.17 from District IV LTAF II funds to reimburse Rim Country Senior Center for their 2006 auto expenses:** Dusty Parsons reviewed this request with the board stating it is an appropriate expenditure for LTAF II. **Supervisor DeSpain made a motion** to approve funding in an amount not to exceed \$3,671.17 from District IV LTAF II funds to reimburse Rim Country Senior Center for their 2006 auto expenses; motion seconded by Supervisor Deal; vote unanimous approving the motion.
- d. **Consideration and possible approval of Task Agreement # Four (4) for Memorandum of Agreement CTH65T60880 between the BIA, Hopi Agency, Western Region and Navajo County to purchase 200 tons of cinders and two new dump truck tires from District II Special Road Funds:** Dusty Parsons reviewed this Memorandum of Agreement and Supervisor Thompson stated that this type of agreement is beneficial to the tribes, the BIA and county residents. A representative of Hopi explained it is hard for the Department of Transportation to provide services to the Navajo and Hopi reservations and funding does not provide for overtime. **Supervisor Thompson made a motion** to approve \$7,300 for the Task Agreement # Four (4) for Memorandum of Agreement CTH65T60880 between the BIA, Hopi Agency, Western Region and Navajo

County to purchase 200 tons of cinders and two new dump truck tires from District II Special Road Funds. Supervisor Thompson advised the county provided a dump truck for snow removal and they have been doing well on reservation roads but that should have been taken care of by Ft. Defiance. Motion seconded by Supervisor Deal. Vote unanimous approving the motion.

- e. Consideration and possible approval by Resolution Number ____ - 07 in support of the Arizona Association of County Engineers (AACE) position paper on Title 34 and Title 28: Dusty Parsons advised that the Arizona Association of County Engineers support maintaining Title 34 and Title 28 in the face of the state contractors wanting to change that statute to limit or eliminate projects the county could do with existing staff. Supervisor Tenney advised that there have not been any violations to this statute that the contractors could cite. **Supervisor Brownlow made a motion** to approve **Resolution Number 04 - 07** in support of the Arizona Association of County Engineers (AACE) position paper on Title 34 and Title 28; motion seconded by Supervisor DeSpain who advised this is also on AACo's agenda to provide support. James Jayne commended Supervisor Tenney and Dusty Parsons for their leadership on this issue for the 15 counties involved. Vote unanimous approving the motion.
- f. Consideration and possible award of Professional Services Contract #B06-012-015 for Development Fee Feasibility Study to TischlerBise, not to exceed \$20,000: Dusty Parsons reported this amount should actually be \$21,000. **Supervisor Brownlow made a motion** to award a Professional Services Contract #B06-012-015 for a Development Fee Feasibility Study to TischlerBise not to exceed \$21,000; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.
- g. Consideration and possible approval by Resolution Number ____ - 07 to extinguish a 50' easement on APN 109-33-039 in the Perkins Valley/Holbrook area: Carol Fraley advised the required notification for this easement was made and there has been no negative feedback. Supervisor DeSpain advised that a number of years ago the county attached Davis Road to Route 66 and no one is using this easement so there will be no inconvenience to the public. **Supervisor DeSpain made a motion** to approve **Resolution Number 05 - 07** to extinguish a 50' easement on APN 109-33-039 in the Perkins Valley/Holbrook area; motion seconded by Supervisor Deal; vote unanimous approving the motion.
- h. **PUBLIC HEARING:** Consideration and possible approval by Resolution Number ____ - 07 of a proposed Special Use Permit request by Lewis Tenney for APN 207-12-068 in the Heber area to allow the construction of a waste water treatment plant for the Mogollon Domestic Wastewater Improvement District: Bill Fraley pointed out the proposed plant site on a site map and reviewed the staff report. He advised they had notified property owners within the area and had received no negative comments. Supervisor Tenney advised that since this is a public sewer district and the land is being donated by Lewis Tenney, his father, there is no pecuniary interest so he has no conflict. There were no comments from the public. **Supervisor Brownlow made a motion** to approve **Resolution Number 06 - 07** for a Special Use Permit request by Lewis Tenney for APN 207-12-068 in the Heber area to allow the construction of a waste water treatment plant for the Mogollon Domestic Wastewater Improvement District; motion seconded by Supervisor Deal; vote unanimous approving the motion.
- i. **PUBLIC HEARING:** Consideration and possible approval by Resolution Number ____ - 07 of a proposed Special Use Permit Amendment request by Shaaron Seach for APN 304-27-327 and 328 in the Silver Lake Estates area to allow the permit to run with the land: Bill Fraley displayed site maps locating the property, stating appropriate notification was made to property owners and no negative responses were received. He reported that in 2001 the Board of Supervisors granted a special use permit to allow the development of a small store on this property. He advised the requested special use permit is to allow the general store use to run with the land and to allow beer and wine sales upon receiving appropriate licensing. He reported Engineering has no objections to this permit and flood control advises that future building would require a flood study. Supervisor Tenney invited public comment. Kathleen Mutchek, 8476 West Javelina Drive, Show Low reported: over the last year she has had the opportunity to help out at the store and from her perspective she considers it a

professional place, uplifting for the neighborhood; they hold Christmas parties there and celebrated National Night Out to address crime issues; elderly people and young children patronize the store; they participate in Neighborhood Watch; security cameras are on 24 hours; the store is not just an abandoned building any more; security lights are on for people getting mail; they do not allow loud vehicles; are considerate of neighbors; and if vehicles are abandoned they have to be removed before the store closes so neighbors are not worried. Fran Bindley of 4035 West US Highway 60 Show Low addressed the board stating: This is a family store and it had been abandoned when they acquired it; having the store has cleaned up a lot of things in neighborhood; they are trying to accommodate customers who have requested beer and liquor license; the neighborhood is such they can walk to store. She stated they will take every precaution; that high winds blew the fence over on the north side of the store; they made adjustments for wind to make it safer. Mr. Clark, a resident of Silver Lakes, reported that a lot of work has been done on this property and he has concerns about that work because: they never obtained a building permit and the construction was never inspected; if it was going to be a permanent commercial property it should be brought up to code with a Certificate of Occupancy issued; nothing was ever done to address Stipulation number 2 on the original special use permit; he believes the fence should be changed from 5' chain link fence to 5' concrete block and it should be offset from road enough so people can look up and down the street. Mr. Clark referenced a document showing the 2001 remodel permit and read from a letter about the wiring that was connected to the pole. Supervisor Tenney requested the permit issue be addressed and Bill Fraley stated he will have the building department pull that file and conduct appropriate inspections. Ms. Bindley stated she had no objections to this. She advised that when the building was first purchased there was no intent to have a store; the property was residential and they worked with Bill Fraley when they decided they wanted to have a store. Dusty Parsons advised that Navapache will not hook up electricity without a green tag and Mr. Clark said they put in a temporary pole until they got electrical service and then it was never inspected. He said he also has concerns about the way propane was hooked up. Supervisor Tenney stated he understands the concern about not having the stipulation changed until now to run with the land rather than stay with existing owner and he is grateful that action is taking place now so there will not be an issue in the future. Supervisor DeSpain stated he understands Mr. Clark's concern and believes Bill Fraley will look into what must be considered yet the item before the board is a separate issue, a special use permit. **Supervisor DeSpain made a motion** to approve **Resolution Number 07 - 07** for a proposed Special Use Permit Amendment request by Shaaron Seach for APN 304-27-327 and 328 in the Silver Lake Estates area to allow the permit to run with the land. Supervisor Brownlow stated he remembers the special use permit issue and had reviewed old minutes on this issue. Mr. Fraley stated that before moving forward with the special use permit he conferred with Bill Reckling of the county attorney's office who made the determination that the special use permit would still be in effect so the owners have not been operating without that authorization. Supervisor DeSpain inquired if owners are now in compliance on the special use permit and Mr. Fraley said they were. Mr. Bowers stated that to remove that stipulation, the Board would not violate the previous stipulation. Supervisor Brownlow stated he still has concerns but if the owner will work with Planning and Zoning to assure they are up to code he is comfortable with that provided Bill Fraley will follow up on the problems. Bill Fraley assured that his department will inspect the building for electrical issues. Supervisor Tenney pointed out that the owner was under contract to buy the land when the stipulation was imposed so they are still in compliance. Supervisor Tenney seconded the motion. Supervisor Deal inquired if the owners now have a liquor license and Ms. Bindley advises that after this special use permit is approved they will apply. She compared the non-support of the community expressed a few years ago in relation to the community's support at this time. Supervisor Tenney stated this property has a history in the county when there was vandalism and fires were started. He said he is glad to see the owner is active in doing something for the betterment of the community. Vote unanimous approving the motion with Supervisor Thompson absent for the vote.

Chairman Tenney recognized former Supervisor Lewis Tenney whose item had already been approved.

j. **PUBLIC HEARING: High Pines Estates**

- i. **PUBLIC HEARING: Consideration and possible approval by Resolution Number _____ - 07 of a Zone Change request by Clyde Barney from A-General to R1-43,000 single family residential zoning for APN 208-03-002A&B in the Aripine area:** Bill Fraley located the property on a site plan in the Aripine area, stating the owner's representative Mr. Gonzales is present. He discussed the staff report regarding the parcel information to include approximately one acre lots, the general character of the neighborhood, zoning, the reason for the request, the changes to the area, and staff recommendations that include no objections providing all stipulations are met. He advised the property is not currently mapped in the FEMA flood plain but since Day Wash runs through this property, they will require a drainage study on this property delineating the flood plain. He reported staff believes this change will facilitate the removal of burnt timber. He advised that the main access will be off Highway 260 with a second access on Forest Service Road 332, which is the responsibility of Aripine Road Improvement District. He reviewed the stipulations as included on the resolution. He reported the engineers have addressed some of these items and the developer has submitted letters of agreement with the fire department as well as other service letters. Supervisor Tenney invited the public to address the board regarding this issue. Daniel Gonzales, 1423 South Higley Road, Mesa, AZ spoke to represent the developer at this hearing. He said his firm has worked with ADOT and submitted improvement plans; they have developed the conceptual layout for improvements related to Highway 260; and have worked with staff on flood plain issues. **Supervisor DeSpain made a motion** to approve by **Resolution Number 08 - 07** a Zone Change request by Clyde Barney from A-General to R1-43,000 single family residential zoning for APN 208-03-002A&B in the Aripine area; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- ii. **PUBLIC HEARING: Consideration and possible approval by Resolution Number _____ - 07 of the master Development Site Plan for the proposed "High Pines Estates" Development for APN: 208-03-002A&B in the Clay Springs area:** Supervisor Tenney invited public comments and there were none. **Supervisor DeSpain made a motion** to approve by **Resolution Number 09 - 07** the master Development Site Plan for the proposed "High Pines Estates" Development for APN: 208-03-002A&B in the Clay Springs area; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

HUMAN RESOURCES: Consideration and possible approval of Personnel Actions: Gail Calisen addressed the board stating there should be a correction on the PAF questioned by Supervisor Thompson as it should have read temporary rather than probationary. Supervisor Thompson stated the policy differences between temporary and probationary employees clarified his question. **Supervisor DeSpain made a motion** to approve the Personnel Actions and authorize the chairman to sign any required documentation; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

BOARD BUSINESS:

Supervisor Thompson invited Jack Latham to comment on issues and requested he report on the Hopi Navajo resettlement act allocations. Jack Latham advised the relocation office is funded at approximately \$8,000,000 per year and that is allocated to local entities through that office. He also advised the board that \$492,000,000 was appropriated for forest thinning projects under the Healthy Forest Initiative to allow an additional 209 million acres to be treated.

Dusty Parsons reported that he met with NDOT recently and updated the board on progress on projects for Pinon

School District, Kayenta, Jeddito and two road projects.

All Supervisors spoke to issues that impact their districts, pending legislation and projects they are working on.

At 11:31 a.m., **Supervisor Brownlow made a motion** to go into EXECUTIVE SESSION pursuant to A.R.S. § 38-431.03(A)(1) for personnel discussion to conduct the semi-annual performance evaluation of the County Manager; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

At 1:06 the board reconvened with all present as listed above. Supervisor Tenney announced they had completed the executive session for the purpose of conducting the semi-annual performance evaluation of the County Manager; he thanked James Jayne, stating they feel he is leading the county in the right direction.

At 1:07 p.m., **Supervisor Thompson made a motion** to adjourn; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

APPROVED:

DATE:

David Tenney, Chairman

ATTEST:

Darlene Fraley, Clerk of the Board