

**NAVAJO COUNTY BOARD OF SUPERVISORS MINUTES
TUESDAY, DECEMBER 18, 2007**

8:37 a.m. Chairman Tenney called the meeting to order with the following present: David Tenney, Chairman, J.R. DeSpain, Vice-Chairman; Percy Deal, Supervisor; Jerry Brownlow, Supervisor; and Darlene Fraley, Clerk of the Board. Supervisor Jesse Thompson was not in attendance.

Supervisor DeSpain made a motion to go into Executive Session for legal advice pursuant to A.R.S. §38-431.03(A) (3) regarding the hiring process as related to drug testing of applicants for employment; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

At 9:25 a.m. the Board of Supervisors' meeting reconvened and Supervisor DeSpain led the Pledge of Allegiance and offered the invocation.

CALL TO THE PUBLIC: Mike Allsup from Show Low, who stated he is a member of the Show Low Planning and Zoning Commission, thanked the board for their stand to oppose the closure of the forest.

CONSENT AGENDA: a) Vouchers; b) Tax roll correction; c) Letters of sympathy to Valerie Wyant, Servier Begay, Supervisor Jesse Thompson, Supervisor Jerry Brownlow and Greenlee County Supervisor Richard Lunt; d) (Pulled from Consent Agenda); e) Letter of support for a North Country HealthCare grant proposal for the establishment of a new community health care clinic in the White Mountain Region; f) Appointment of Navajo County Republican Committee Precinct Committeeperson: Sister Michael C. Wilson, Precinct 4; g) Minutes: October 16 and December 3; h) Juvenile Justice System November Report; i) Clerk of the Superior Court November Report; j) Constable Reports: Holbrook #1 November; Snowflake #3 November; Show Low #5 November; k) Justice Court Reports: Holbrook #1 October, November; Snowflake #3 November; Show Low #5 November; Pinetop #6 November: **Supervisor DeSpain made a motion** to approve the Consent Agenda as printed with the exception of Item d, Letter of concern regarding potential legislative budget cuts/shifts and their impact on Navajo County; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

Chairman Tenney advised that Supervisor Thompson had to attend a meeting at the Hopi Tribe today and regrets not being able to attend this meeting.

HUMAN RESOURCES:

- a. Consideration and possible approval of Personnel Action report: Gail Calisen reviewed the 53 item written Personnel Action report. Supervisor DeSpain advised he would abstain from voting due to a conflict with item 41 regarding his sister-in-law. **Supervisor Deal made a motion** to approve the Personnel Action report as presented; motion seconded by Supervisor Brownlow; vote unanimous approving the motion with Supervisor DeSpain abstaining.
- b. Consideration and possible appointment of Disciplinary Appeals Review Committee members: Gail Calisen reviewed the requirements for members of the commission and advised the following had expressed their willingness to serve on the Disciplinary Appeals Review: Laree Saline, selected by members of the Personnel Commission, Blaine Hatch; Carol Sweeney, Karen Edmondson, and Kathryn Murphy. **Supervisor Deal made a motion** to approve the members of the Disciplinary Appeals Review Committee as presented; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

SHERIFF OFFICE: Consideration and possible approval of the renewal of the DUI Task Force intergovernmental agreement with the Department of Public Safety: Chief Huser reviewed this agreement as presented. Following discussion, **Supervisor Brownlow made a motion** to approve the renewal of the DUI Task Force intergovernmental agreement with the Department of Public Safety; motion seconded by Supervisor

DeSpain; vote unanimous approving the motion.

BOARD OF SUPERVISORS:

- a. American RV and Navajo County Recognizing Excellence: The Board of Supervisors presented certificates of appreciation to Diana Gates of the Show Low Road Yard and Lou Tobin of Information Technology for their outstanding job performance. Both thanked the board for this honor.
- b. Consideration and possible adoption of Resolution Number - 07 approving an Intergovernmental Agreement with the Town of Pinetop-Lakeside for Prosecution of Criminal Misdemeanors: James Jayne, County Manager, reviewed the history of this process with the municipalities of the county for prosecution of misdemeanors advising approval of this resolution will facilitate the partnership between the Town of Pinetop-Lakeside and the county. **Supervisor DeSpain made a motion** to adopt **Resolution Number 94 - 07** approving an Intergovernmental Agreement with the Town of Pinetop-Lakeside for Prosecution of Criminal Misdemeanors; motion seconded by Jerry Brownlow; vote unanimous approving the motion.

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT: Board of Directors Session:
Supervisor DeSpain made a motion to enter into the Navajo County Public Health Services District **Board of Directors Session**; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

- a. **CONSENT AGENDA: Supervisor DeSpain made a motion** to approve the following items on this Consent Agenda; motion seconded by Jerry Brownlow; vote unanimous approving the motion.
 - i. Memorandum of Agreement for cooperation between the Navajo County Public Health Services District and the Holbrook Fire Department, Holbrook, AZ during health emergencies
 - ii. Arizona Department of Health Services Contract #HG854251, Reproductive Health/Family Planning Program, scope of work and price sheet
- b. Consideration and possible approval of new Intergovernmental Agreement Contract Number HG861256 with the Arizona Department of Health Services for the Teen Pregnancy Prevention Grant from January 1, 2008 to December 31, 2008: Mary Tyler and Tracy Letcher discussed this program, advising this is a new agreement to provide health services to high risk boy and girl teenagers, especially second pregnancies, targeting detention centers, youth on probation, charter schools, and possibly in public schools throughout Navajo County. She stated that at the inception of the program they will concentrate off reservation and as the program expands it will cover the reservation area. She responded to questions from the board about the set up of the program. **Supervisor DeSpain made a motion** to approve this item as presented; 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.

ELECTIONS:

- a. Consideration and possible acknowledgment of receipt of the Proclamation issued by the Governor for the Presidential Preference Election and call for publication of the Proclamation pursuant to ARS 16-214: **Supervisor Brownlow made a motion** to acknowledge receipt of the Proclamation issued by the Governor for the Presidential Preference Election and call for publication of the Proclamation pursuant to ARS 16-214; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.
- b. Consideration and possible approval of precincts and polling places for the upcoming Presidential Preference Elections scheduled February 5, 2008: Lisa McKee reviewed the precinct and polling place list as presented. **Supervisor DeSpain made a motion** to approve precincts and polling places for the upcoming Presidential Preference Elections scheduled February 5, 2008; motion seconded by Supervisor Brownlow. Vote unanimous approving the motion.
- c. Consideration and possible approval to conduct all mail ballot elections for the City of Show Low and City of Winslow Primary Elections March 11, 2008 and General Elections May 20, 2008: Following review of this item by Lisa McKee, **Supervisor DeSpain made a motion** to approve the action as presented; motion seconded by Supervisor Brownlow. Vote unanimous approving the motion.

FINANCE:

- a. Consideration and possible acknowledgement that surplus workstations are of a nominal value and authorize the donation of same to the Kayenta Library: Following discussion of this item by Mary Springer, **Supervisor Deal made a motion** to acknowledge that these surplus workstations are of a nominal value and authorize the donation of same to the Kayenta Library; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- b. Consideration and possible award of Contract IFB B07-010-009 to provide and install new cameras for the jail complex: Following discussion of this item when it was determined this item was budgeted in DOC funding, **Supervisor Brownlow made a motion** to approve the award of this bid to DH Pace Integration in the amount of \$94,200, not including taxes; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.
- c. Consideration and possible award of contract for handicap accessible door controls to selected vendors: Mary Springer advised that an analysis is being conducted at all county levels; a standard is being set for accessibility at county facilities. **Supervisor DeSpain made a motion** to award the contract to DH Pace Doors for handicap accessible door controls; motion seconded by Jerry Brownlow; vote unanimous approving the motion.
- d. Informational report on CDBG funding: Mary Springer reported on a recent conference call with the US Department of Housing (USDOH), advising that Congressman Rick Renzi's office had assisted in this process, where clarification was made that the county can offer CDBG funding to the reservation and that the USDOH will clarify this with the State of Arizona Department of Housing. Supervisors expressed appreciation to Representative Renzi, the County manager, Mary Springer and staff for clarification that this funding must be offered to all citizens in Navajo County who qualify for the program. Mr. Jayne stated that this change came about because finance staff was willing, through James Menlove's leadership, to not give up and take the matter to the highest level necessary.

PUBLIC WORKS:

- a. Consideration and possible approval by Resolution Number _____ - 07 of the partial re-plat of the Final Plat and the Financial Assurances for Pine Lake Meadows in the Pinetop Lakeside area: Item withdrawn at this time.
- b. Show Low Mountain Ranch—PUBLIC HEARING: Telford Chapman oriented the board to the property, reviewed the staff report with all recommendations and advised that the Planning Commission approved the zone change and the Master Development Site Plan on a vote of 4-2. He advised they had received two letters from area residents expressing concern that were included in the board's information.
 - i. Consideration and possible approval by Resolution Number _____ - 07 of a Zone Change request by Michael Wood from Rural -1 to Special Development Zoning for APN 304-57-032; 304-57-033A; 304-57-033B in Township 11 North, Range 16 East, Section 13 in the White Mountain Lake area: Under the Public Hearing portion, John Murphy of Tetrattech introduced Mike Wood who addressed the board giving a background on the developers and conducted a power point presentation of this project which would provide system built housing. Chairman Tenney opened the public hearing and Matt Matthews of 8685 Round Up Drive, Patrick MacCumber of 8654 Round Up Drive, Patricia Lewis of 8702 Round Up Drive, Bob Barger of 8793 Round Up Drive, Terri Reidhead who does not own property in the area but is speaking on behalf of her brother who has a business there and other residents in the area, Brenda Harmon of 8625 Round Up Drive; Mary Harmon of 8625 Round Up Drive, Glenn Hoskins of 8661 Round Up Drive, Dawn Klute living at the corner of Round Up Drive, Ty Harmon of 8625 Round Up Drive, and Elaine Barger of 8793 Round Up Drive all spoke in objection to the zone change request advising that not all residents on Round Up Drive received the letter and the signage for the development is in the weeds. They cited concerns that were also expressed in a petition related to the small lot sizes resulting in high density, lack of emergency exits, increased traffic impact, desirability of the rural area that would be negatively impacted, that the fire department and emergency services can

not handle this growth and the existing slow response time by the volunteer White Mountain Lakes Fire Department, the inability of the land to perk, and electricity currently has brown outs and is not sufficient for this development. Dusty Parsons advised most of these concerns have to be addressed at a later stage in this development, that this is the initial zone change request. He discussed notification requirements that did not include those residents on Round Up Drive that were outside the 300' boundary and stated that as a courtesy, future notifications would be made to all residents on that drive. He stated that the developer will do a traffic impact analysis that will show how much traffic is anticipated in that area and steps will be taken to address that impact; the developer will meet with APS for sizing of meters and there will be on-site water and sewer. John Murphy advised the developers have taken into account residents' concerns and have discussed with staff blocking off access to Round Up and will provide access as needed to maintain the traffic within the subdivision, stating he believes new residents would use the paved road rather than a dirt road. He stated they will create a properly planned development where people want to live with on-site wastewater treatment; they will have fire protection; it will be properly designed for drainage purposes; there will be tracts throughout the development that can be used for recreation; an average of 0.46 acre lots is a reasonable size and they believe this is the best and highest use for the property. Bob Barger inquired why plan was not re-done as requested by Planning Commission and Mr. Parsons advised that is part of the tentative plat process. In response to Supervisors' questions, Mr. Parsons and Mr. Fraley advised this is a conceptual site plan and zoning request and the next steps will address traffic, fire, sewer, water; the board has the right to stipulate that the developer can not use Round Up as a primary access and it can be used as emergency exits with gates. John Murphy stated the developer does have a letter from the White Mountain Lakes Fire Department stating it can accommodate this subdivision. Mr. Murphy stated that when his client came to this area, he fell in love with Linden Trails and its appearance enforced through CCRS and would like to fashion this development after that development. Supervisor Tenney stated that Linden Trails is a very nice development and he remembers lots of these same concerns expressed at the time that it was under consideration. In response to a question from Supervisor Tenney, Mr. Murphy stated they do not intend to change the number of lots. Residents expressed concern that once a zone change is granted, they can not stop the process stating that if the developer does not get a zone change approved, the process stops here. Supervisors DeSpain and Brownlow stated they do not object to the re-zoning but are not in favor of the density on the site map. John Murphy stated the client is willing to compromise and would be willing to increase the lots along the south line to a minimum of one acre. Ms. Harmon stated she would also like one acre lots along creek as that area is all rock. In response to a question, John Murphy stated they do not plan street lights except if required by the county or APS. Terri Reidhead stated her brother has a cinder pit and there is a small diameter wood mill in the same area, inquiring if there is any way to put a buffer between residential and industrial. Mr. Murphy stated that the Planning & Zoning Commission expressed the same concerns and the developer will place a statement in the public report making everyone aware there is a cinder pit that is in operation. In response to a question from Ty Harmon, Supervisors advised this board does not determine school bus stops. The public hearing was closed. Mr. Parsons stated all roads will be built to county standards. With the understanding this development still has to go through the final plat stage, **Supervisor DeSpain made a motion** to adopt **Resolution Number 95 - 07** approving a Zone Change request by Michael Wood from Rural -1 to Special Development Zoning for APN: 304-57-032; 304-57-033A; 304-57-033B in Township 11 North, Range 16 East, Section 13 in the White Mountain Lake area; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

- ii. Consideration and possible approval by **Resolution Number _____ - 07** of the Master Development Site Plan for the proposed "Show Low Mountain Ranch" Development for APN: 304-57-032; 304-57-033A; 304-57-033B in Township 11 North, Range 16 East, Section 13 in the White Mountain Lake area; **Supervisor DeSpain made a motion** to adopt Resolution Number 96 - 07 approving the Master Development Site Plan for the proposed "Show Low Mountain Ranch" Development for APN: 304-57-032; 304-57-033A; 304-57-033B in Township 11 North, Range 16 East, Section 13 in the White

Mountain Lake area with added stipulations that lots starting with #1 across the southern boundary of the proposed subdivision and from the sewer treatment south on the west side should be one acre; a stipulation that both entrances must come off Bourdon Ranch road with crash gates only for emergency access on to Round Up Road not utilizing Round Up for construction purposes; and a stipulation for the public disclosure of the cinder pit and small diameter wood operation; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

- e. NAVAJO COUNTY FLOOD CONTROL DISTRICT: Board of Directors Session: Discussion and possible approval of a letter to Herb Guenther, Director of Arizona Department of Water Resources, requesting that FEMA retract the preliminary Digital Flood Insurance Rate Maps (DFIRMS) or postpone the effective map date: Supervisor DeSpain made a motion to enter into the Navajo County Flood Control District **Board of Directors' Session**; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. Homero Vela reported that legal counsel has advised that a resolution is not needed for this action and reviewed the need to request a delay of the FEMA process as outlined in the letter. **Supervisor DeSpain made a motion** to approve the proposed letter to Herb Guenther, Director of Arizona Department of Water Resources, requesting that FEMA retract the preliminary Digital Flood Insurance Rate Maps (DFIRMS) or postpone the effective map date; motion seconded by Supervisor Deal. Supervisor Deal reported that Supervisor Thompson expressed concern about this issue and that he supports fully the issuance of this letter. 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.

LEGISLATORS: Update of legislative issues as presented by Arizona State Legislators representing Navajo County: Representative Tom Chabin of District II addressed the Board of Supervisors discussing his background as a previous Coconino County Supervisor and Planning Zoning Commission member. He discussed upcoming legislative issues that will impact the county as related to the shortfall of revenue at the state level. Chairman Tenney stated that yesterday he, Rod Ross and Mr. Jayne met with Speaker Weirs and requested that counties partner in the decision process as to where cuts will happen, working with the legislature in this process. Supervisor Deal stated that balancing the budget will be hard on Native American communities who are already a step or two behind economically, citing specific examples. Supervisors thanked Representative Chabin for his presence and comments, expressing support for his new position.

At 12:55 p.m. the board recessed for lunch. At 1:51 the board reconvened, with all supervisors present as initially listed, and addressed the following items under Public Works and Board Business.

- c. Bear Tooth Ranch Development—PUBLIC HEARING:
- i. Consideration and possible approval by Resolution Number _____ - 07 of a Zone Change request by William Hawkins from A-General to Special Development Zoning for APN: 311-03-003A in Township 9 North, Range 23 East, Section 3 in the Porter Mountain area: Telford Chapman oriented the board to the property, reviewed the staff report with all recommendations and advised the Planning Commission approved the zone change and the Master Development Site Plan on a vote of 6-0. He advised the property includes 38 acres with proposed two acre lots. Supervisor Tenney invited the developer to address this development and Shawn Byron of Design Workshop advised the board that this property resulted from a land swap with the forest service that Bill Hawkins bought as a retirement property and that Design Workshop will design the development as a legacy property. He described features including lakes on site, fire protection plans, the need for alternative septic systems, and advised there are still issues to work out prior to the tentative plat stage. Supervisor Tenney opened the public hearing to comments and there were none; the public hearing was closed. Jim Matteson advised that the county intends to re-align Porter Mountain Road in this area and deliberately moved the alignment as far north as possible so as not to impact the development. He said they are not requesting that the developer participate but there are some easement issues with the forest service that need to be worked out. Bill Fraley complimented this development as the best use of this land. **Supervisor Brownlow made a**

motion to approve **Resolution Number 97 - 07** for a Zone Change request by William Hawkins from A-General to Special Development Zoning for APN: 311-03-003A in Township 9 North, Range 23 East, Section 3 in the Porter Mountain area; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

ii. Consideration and possible approval by Resolution Number _____ - 07 of a Master Development Site Plan for the proposed "Bear Tooth Ranch" Development for APN: 311-03-003A in Township 9 North, Range 23 East, Section 3 in the Porter Mountain area: **Supervisor Brownlow made a motion** to adopt **Resolution Number 98 - 07** approving a Master Development Site Plan for the proposed "Bear Tooth Ranch" Development for APN: 311-03-003A in Township 9 North, Range 23 East, Section 3 in the Porter Mountain area; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

d. PUBLIC HEARING: Consideration and possible approval by Resolution Number _____ - 07 of the adoption of the revised Subdivision Regulations and Requirements: James Matteson advised he and Bill Fraley have been working on this project for almost a year because the existing regulations and requirements are fragmented; many times the practice was in conflict with the standards; the standards were in conflict with themselves, and they conflicted with state standards and state agency regulations. He said the document has been reviewed and approved by the Planning & Zoning Commission and legal counsel. The Board expressed appreciation for this effort. In response to a question from Supervisor DeSpain, Mr. Matteson advised that this is the fourth public hearing on this document and staff would like to implement it as soon as possible. Supervisor Tenney opened the Public Hearing and there were no comments; the public hearing was closed. **Supervisor DeSpain made a motion** to adopt **Resolution Number 99 - 07** adopting the revised Subdivision Regulations and Requirements; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

BOARD BUSINESS: Supervisors reported on meetings and events within their districts and those that impact their districts. Supervisor Deal reported the snowstorm on the reservation had a severe impact on school buses and safety vehicles and that the BIA did not prepare for the event. He thanked Dusty Parsons for his contact with BIA headquarters in Gallup and expressed appreciation for their response to bring relief to the area. Supervisor Deal advised that due to winter road conditions he would like the board to consider a 30 minute delay in starting board meetings for the next two months. Supervisor Tenney presented fruit baskets from the board and administration to Donna Rescorla and Linda Kor. Supervisor DeSpain discussed his recent participation in a National Heritage Area panel at Sahuarita advising that care must be taken in writing the bill for the Little Colorado River Heritage area before going to Congress, designating who it includes and landowner rights within it. All present wished county staff a Merry Christmas.

ADJOURN: At 2:55 p.m., **Supervisor DeSpain made a motion** to adjourn; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

APPROVED:

DATE:

J.R. DeSpain, Chairman

January 8, 2008

ATTEST:

Clerk of the Board