

**NAVAJO COUNTY BOARD OF SUPERVISORS' MINUTES
TUESDAY, June 28, 2011**

PRESENT: Jesse Thompson, Supervisor; Jerry Brownlow, Supervisor; Jonathan M. Nez, Supervisor; J.R. DeSpain, Vice-Chairman were present. Chairman David Tenney is not present due to fulfillment of his commitments as CSA President.

9:00 a.m. Call To Order: Pledge of Allegiance and Invocation was led by **Supervisor DeSpain.**

CALL TO THE PUBLIC: June Call, 1824 Hwy 260 Heber, spoke in regards to the Heber-Overgaard Fire Works Display Application. Jerry Call, 1824 Hwy 260 in Heber, also spoke in regards to the Heber-Overgaard Fire Works Display Application. Gerd Kurtenbach 2272 Sunrise Rd in Overgaard, spoke in regards to the Heber-Overgaard Fire Works Display Application.

CONSENT AGENDA: a) Minutes: March 22, 2011; May 25, 2011 and June 14, 2011 b) Grant Adjustment Notice for ACJC Byrne Grant DC-10-001 c) Renew Arizona Department of Public Safety Contract 2009-269, Detention Liaison Officer Program d) Traffic Control changes at the intersection of Obed Road and McLaws Road which are County roads: Install "Stop" sign on Obed Road at the intersection with McLaws Road; Install "Stop" sign on McLaws Road at the intersection with Obed Road; Install "Stop Ahead" sign on McLaws Road; and Install "Stop Ahead" sign on Obed Road e) Traffic Control changes at the intersection of Mountain View Drive and West Settlers Lane which are County roads located in Lakeside, AZ: Existing; Install "Stop Sign" on West Settlers Lane on the east side of the intersection with Mountain View Drive: Install Stop Sign on West Settlers Lane on the west side of the intersection with Mountain View Drive. Remove the stop sign at West Settlers and Mickelson f) Tax Exemptions filed pursuant to A.R.S. §42-11153 as a Request for Redemption of Waiver for 17 properties g) Conduct an all mail ballot election for Silver Creek Flood Protection District #1 on October 5, 2011 h) Sign Sewer Line Easement for Pinetop-Lakeside Sanitary District across APN 212-45-052E i) Emergency Management Mutual Aid Agreement (Wallow Fire): **Supervisor Thompson made a motion** to approve the consent agenda as presented; motion seconded by **Supervisor Brownlow.** Vote unanimous approving the motion.

BOARD OF SUPERVISORS:

- a. RSC Rental Corporation and Navajo County Recognizing Excellence: Tabled to next agenda.
- b. Presentation to retiring employee Alan LoBue: Retiring employee Alan LoBue was recognized for his years of service with Navajo County from March 5, 2001 through July 8, 2011.
- c. Presentation to retiring employee Peter Gersten: Retiring employee Peter Gersten was recognized for his years of service with Navajo County from November 6, 2000 through July 11, 2011.
- d. **BOARD OF EQUALIZATION SESSION:** **Supervisor Thompson made a motion** to enter into the Board of Equalization Session; motion seconded by **Supervisor Nez.** Vote unanimous approving the motion.
 - i) Swearing in of Assessor, Appraisers and Petitioners: Melissa Buckley, Clerk swore in the Assessor and the Petitioners.
 - ii) Discussion and possible action regarding Petition for Review of Notice of Claim APN 210-44-039 for Tadeusz & Helena Szperling: Mrs. Darris reviewed the petition and recommended that the relief not be granted today pursuant to statute. Jason Moore further discussed the item. He indicated that normally petitioners would file an appeal with the tax court if it could not be worked out in a local level, however they used a Notice of Claim, they should have used a normal remedy. Supervisor

Thompson asked if the Assessor's office had done anything different in the past. The Assessor indicated that she has not. The petitioner addressed the Board. Vice Chairman DeSpain addressed the petitioner; He indicated that the appeal does not fall under this Notice of Claim statute and stated that the Board of Supervisors does not have the authority to change it. **Supervisor Brownlow made a motion** to deny the relief and allow the Vice Chairman to sign the Order Denying Relief; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

Supervisor Brownlow made a motion to return to regular session; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

- e. Consideration and formal acceptance of the Petition to Establish the Little Colorado Water Conservation District and affidavit pursuant to A.R.S. §48-2908; setting of cash bond; and setting hearing date for August 9, 2011 at 9:00 a.m. on the Petition; Melissa Buckley introduced the item. Doug Brown discussed the petition further. Discussion was held. **Supervisor Thompson made a motion** to formally accept the Petition to Establish the Little Colorado Water Conservation District and affidavit pursuant to A.R.S. §48-2908; set the cash bond in the amount of \$800.00; and set the hearing date for August 9, 2011 at 9:00 a.m. on the Petition; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT Board of Directors' Session: CONSENT AGENDA: **Supervisor Nez made a motion** to enter into the Navajo County Public Health Services District **Board of Directors Session**; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

- i) Oral Health Fluoride Varnish Contract #FTF-RC028-11-0285-01-Y2 for the White Mountain Apache Region with Arizona First Things First for July 1, 2011 through June 30, 2012 in the amount of \$63,565
- ii) Professional Services Contract with Connie Baine, RDH, AP for Dental Hygiene services through the Arizona First Things First, White Mountain Apache, Oral Health Fluoride Program effective July 1, 2011 to June 30, 2012 in the amount of \$45.00/per hour
- iii) Professional Services Contract with Regina Rich, RDH, AP for Dental Hygiene services through the Arizona First Things First, White Mountain Apache, Oral Health Fluoride Program effective July 1, 2011 to June 30, 2012 in the amount of \$45.00/per hour
- iv) Oral Health Fluoride Varnish Renewal Contract #FTF-RC015-10-0091-01-Y3 for the Navajo Apache Region with Arizona First Things First for July 1, 2011 through June 30, 2012 in the amount of \$61,000.00
- v) Professional Services Contract with Connie Baine, RDH, AP for Dental Hygiene services through the Arizona First Things First, Navajo Apache Region, Oral Health Fluoride Program effective July 1, 2011 to June 30, 2012 in the amount of \$45.00/per hour
- vi) Professional Services Contract with Regina Rich, RDH, AP for Dental Hygiene services through the Arizona First Things First, Navajo Apache Region, Oral Health Fluoride Program effective July 1, 2011 to June 30, 2012 in the amount of \$45.00/per hour:

Supervisor Brownlow made a motion to approve the consent agenda as presented; motion seconded by **Supervisor Nez**. Vote unanimous approving the motion. **Supervisor Tenney made a motion** to return to regular session; motion seconded by **Supervisor Nez**. Vote unanimous approving the motion.

Consideration and possible approval of Contract #GRA-State-12-0363-01 with the Arizona Early Childhood Development and Health Board for a Child Care Health Consultant Program for Navajo and Apache Counties for \$76,377.00 from July 1, 2011 to June 30, 2012 : **Supervisor Thompson made a motion** to enter into the **Navajo County Public Health Service District Board of Directors Session**; motion seconded by **Supervisor**

Brownlow. Vote unanimous approving the motion. Mary Tyler discussed the item. **Supervisor Thompson made a motion** to approve Contract #GRA-State-12-0363-01 with the Arizona Early Childhood Development and Health Board for a Child Care Health Consultant Program for Navajo and Apache Counties for \$76,377.00 from July 1, 2011 to June 30, 2012; motion seconded by **Supervisor Nez.** Vote unanimous approving the motion. **Supervisor Thompson made a motion** to return to regular session; motion seconded by **Supervisor Nez.** Vote unanimous approving the motion.

NAVAJO COUNTY LIBRARY DISTRICT Board of Directors' Session: CONSENT AGENDA: **Supervisor Nez made a motion** to enter into the Navajo County Library District **Board of Directors Session;** motion seconded by **Supervisor Brownlow.** Vote unanimous approving the motion. First Things First Contract Renewal award from the Navajo/Apache Regional Partnership Council, IGA-RC015-11-0100-01-Y2, July 1, 2011 through June 30, 2012; **Supervisor Brownlow** made a motion to approve the consent agenda as presented; motion seconded by **Supervisor Thompson.** Vote unanimous approving the motion. **Supervisor Nez made a motion** to return to regular session; motion seconded by **Supervisor Thompson.** Vote unanimous approving the motion.

12:49 HUMAN RESOURCES: Consideration and possible approval of Personnel Actions: Shalice Cook discussed the 45 item personnel action report. **Supervisor Brownlow made a motion** to approve the personnel action report as presented; motion seconded by **Supervisor Thompson.** Vote unanimous approving the motion.

Taken out of order at 11:45 am ADMINISTRATION: Consideration and possible approval to notice the City of Winslow for the cancellation of the current Intergovernmental Agreement for Magistrate Court Services: Dusty Parsons discussed the item and answered questions of the Board. Mr. Carlyon discussed the item further. Mr. Jayne made clarification. Discussion was held. **Supervisor Brownlow made a motion** to approve the notice depending on the outcome of the City of Winslow's Council meeting tonight; motion seconded by **Supervisor Thompson.** Vote unanimous approving the motion.

Taken out of order FINANCE:

- a. Consideration and possible award of Contract #F11-01-04 for Emergency Regional Communications Study to iXP Corporation in the amount of \$81,500.00: Dusty Parsons discussed the item and answered questions of the Board. **Supervisor Thompson made a motion to award** Contract #F11-01-04 for Emergency Regional Communications Study to iXP Corporation in the amount of \$81,500.00; motion seconded by **Supervisor Nez.** Vote unanimous approving the motion.
- b. Consideration and possible award of Contract #F11-05-02 for Attorney Services: James Menlove discussed the item and requested that the contract be awarded to Barker, Higgins & Hesse PLLC. Mr. Carlyon discussed the item further. **Supervisor Brownlow made a motion** to award Contract #F11-05-02 for Attorney Services to Barker, Higgins & Hesse PLLC; motion seconded by **Supervisor Thompson.** Vote unanimous approving the motion.

PUBLIC WORKS:

- a. **Taken out of order PUBLIC HEARING: HILLTOP DRIVE IMPROVEMENT DISTRICT Board of Directors Session:** **Supervisor Thompson made a motion** to enter into the Hilltop Drive Improvement District **Board of Director Session;** motion seconded by **Supervisor Brownlow.** Vote unanimous approving the motion. Mr. Bess discussed the item. Vice-Chairman DeSpain opened the public hearing. Melissa Buckley, Clerk read the names of those that filed written objections. Vice Chairman DeSpain asked those who filed written statements to come forward. Mr. Rosenfeld read the objections from Gail Pigeon, not present; James Lando, not present; He indicated that Gladys Lemon

objects to the sewer system. Gladys Lemon and Palmina Avina addressed the Board in objection. Mr. Rosenfled read the objection from Josh Weeks. Discussion was held. Vice-Chairman DeSpain closed the public hearing. **Supervisor Brownlow made a motion to** overrule Gail Pigeon #59 objection; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion. **Supervisor Brownlow made a motion to** overrule James Lando #49 objection; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion. **Supervisor Brownlow made a motion to** overrule Josh Weeks #47 objection; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion. **Supervisor Brownlow made a motion to** Gladys M. Lemons #34 objections to modify the assessment by ½ from \$4,813.26 to \$2,406.63 subject to proving the easement; motion seconded by **Supervisor Nez**. Vote unanimous approving the motion. Ms. Palmira Avina #84 & #85 discussed her property further. **Supervisor Brownlow made a motion to** overrule the objection for #84 and sustain the objection for #85 eliminating the assessment for #85; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

- i) After such rulings, introduce, discuss, amend to cover any modifications that resulted from the individual hearings and act on **Resolution Number 28-11**, approving the assessment, as modified, by the results of the hearing: Mr. Rosenfled discussed the finalized resolution. **Supervisor Brownlow made a motion to** adopt **Resolution Number 28-11** approving the assessment as modified by the results of the hearing; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.
 - ii) Adjourn meeting, and resolve back into the Board of Supervisors: **Supervisor Brownlow** made a motion to return to regular session; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.
- b. Consideration and possible approval of Amendment Number 2 to the Supply & Delivery of Roadway Materials to the Navajo Nation, Contract #B09-05-018 with Brimhall Sand and Rock and Building Materials, Inc. to: (1) Increase the unit price bid per the attached bid schedule, effective July 14, 2011 and (2) Extend the contract for one additional year (July 14, 2011 through July 13, 2012): Jeanine Carruthers discussed the item. **Supervisor Nez made a motion to** approve Amendment Number 2 to the Supply & Delivery of Roadway Materials to the Navajo Nation, Contract #B09-05-018 with Brimhall Sand and Rock and Building Materials, Inc. to: (1) Increase the unit price bid per the attached bid schedule, effective July 14, 2011 and (2) Extend the contract for one additional year (July 14, 2011 through July 13, 2012); motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.
 - c. Consideration and possible award of Contract #B11-05-012 Supply of Various Roadway Materials to Brimhall Sand and Rock and Building Materials, Inc., Cholla Ready Mix, Inc., Dyna Rock and Sand, Inc., Hatch Construction and Paving, Inc., and Perkins Cinders, Inc.: Jeanine Carruthers discussed the item. **Supervisor Thompson made a motion to** award Contract #B11-05-012 Supply of Various Roadway Materials to Brimhall Sand and Rock and Building Materials, Inc., Cholla Ready Mix, Inc., Dyna Rock and Sand, Inc., Hatch Construction and Paving, Inc., and Perkins Cinders, Inc.; motion seconded by **Supervisor Nez**. Vote unanimous approving the motion.
 - d. **Taken up at 1:00pm PUBLIC HEARING:** Consideration and possible adoption of **Resolution Number 29-11**, approving a Special Use Permit for Western Wind Energy to place a temporary meteorological tower (Met 1a), with a height of approximately 198 feet, on a footprint of approximately 2.9 acres located approximately 10 miles northwest of Snowflake: Greg Loper discussed the item. Vice-Chairman DeSpain opened up the public hearing, there being no comment, closed the public hearing. **Supervisor Brownlow made a motion to** adopt **Resolution Number 29-11**, approving a Special Use Permit for Western Wind Energy to place a temporary meteorological tower (Met 1a), with a height of

approximately 198 feet, on a footprint of approximately 2.9 acres located approximately 10 miles northwest of Snowflake; motion seconded by **Supervisor Nez**. Vote unanimous approving the motion.

- e. **PUBLIC HEARING: Consideration and possible adoption of Resolution Number 30-11, approving a Special Use Permit for Western Wind Energy to place a temporary meteorological tower (Met 1b), with a height of approximately 198 feet, on a footprint of approximately 2.9 acres located approximately 11 miles northwest of Snowflake:** Greg Loper discussed the item. Vice-Chairman DeSpain opened up the public hearing, there being no comment, closed the public hearing. **Supervisor Thompson made a motion to adopt Resolution Number 30-11**, approving a Special Use Permit for Western Wind Energy to place a temporary meteorological tower (Met 1b), with a height of approximately 198 feet, on a footprint of approximately 2.9 acres located approximately 11 miles northwest of Snowflake; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.
- f. **PUBLIC HEARING: Consideration and possible adoption of Resolution Number 31-11, approving a Special Use Permit for Western Wind Energy to place a temporary meteorological tower (Met 2), with a height of approximately 198 feet, on a footprint of approximately 2.9 acres located approximately 13 miles northwest of Snowflake:** Greg Loper discussed the item. Vice-Chairman DeSpain opened up the public hearing, there being no comment, closed the public hearing. **Supervisor Nez made a motion to adopt Resolution Number 31-11**, approving a Special Use Permit for Western Wind Energy to place a temporary meteorological tower (Met 2), with a height of approximately 198 feet, on a footprint of approximately 2.9 acres located approximately 13 miles northwest of Snowflake; motion seconded by **Supervisor Nez**. Vote unanimous approving the motion.
- g. **PUBLIC HEARING: Consideration and possible adoption of Resolution Number 32-11, approving a Special Use Permit for Western Wind Energy to place a temporary meteorological tower (Met 3a), with a height of approximately 198 feet, on a footprint of approximately 2.9 acres located approximately 18 miles northwest of Snowflake:** Greg Loper discussed the item. Vice-Chairman DeSpain opened up the public hearing, there being no comment, closed the public hearing. **Supervisor Brownlow made a motion to adopt Resolution Number 32-11**, approving a Special Use Permit for Western Wind Energy to place a temporary meteorological tower (Met 3a), with a height of approximately 198 feet, on a footprint of approximately 2.9 acres located approximately 18 miles northwest of Snowflake; motion seconded by **Supervisor Nez**. Vote unanimous approving the motion.
- h. **PUBLIC HEARING: Consideration and possible adoption of Resolution Number 33-11, approving a Special Use Permit for Western Wind Energy to place a temporary meteorological tower (Met 3b), with a height of approximately 198 feet, on a footprint of approximately 2.9 acres located approximately 19 miles northwest of Snowflake:** Greg Loper discussed the item. Vice-Chairman DeSpain opened up the public hearing, there being no comment, closed the public hearing. **Supervisor Thompson made a motion to adopt Resolution Number 33-11**, approving a Special Use Permit for Western Wind Energy to place a temporary meteorological tower (Met 3b), with a height of approximately 198 feet, on a footprint of approximately 2.9 acres located approximately 19 miles northwest of Snowflake; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.
Supervisor Nez made comments. Billy Elkins with Rocking Chair Ranch and Tom Dugan with Western Wind spoke regarding wind data information.
- i. **TAKEN OUT OF ORDER AT 11:04 AM PUBLIC HEARING: Consideration and possible adoption of Resolution Number 34-11, approving the proposed Special Use Permit to allow a public riding and roping arena on APN 212-26-140A & 212-26-141A:** Greg Loper discussed the item. Vice-Chairman DeSpain opened up the public hearing. Mr. Jack Peterson, 2536 Highdale Road in Lakeside, addressed the Board. Vice Chairman DeSpain closed the public hearing. **Supervisor Thompson made a motion to adopt Resolution Number 34-11** approving the proposed Special Use Permit to allow a public riding

and roping arena on APN 212-26-140A & 212-26-141A; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.

- j. **PUBLIC HEARING:** Consideration and possible adoption of **Resolution Number 35-11**, approving the proposed zone change from Special Development to C-R and A-General for APN 206-25-007B, from Special Development to C-R for APN 206-25-008 & 206-25-037A, and from Special Development to R-1 43,000 for APN 206-40-014A: Greg Loper discusses items j, k, and l. Vice-Chairman DeSpain opened the public meeting. Rob Tyler, Scottsdale Arizona, spoke in favor of the item. Graham McDonald, 2192 Gingerbread Lane in Overgaard, spoke in objection to the item. Mr. Jayne made comments. Christopher Sestang, 2834 Mogollon, spoke in objection to the item. Discussion was held. **Supervisor Thompson made a motion to adopt Resolution Number 35-11** approving the proposed zone change from Special Development to C-R and A-General for APN 206-25-007B, from Special Development to C-R for APN 206-25-008 & 206-25-037A, and from Special Development to R-1 43,000 for APN 206-40-014A; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.
- k. **PUBLIC HEARING:** Consideration and possible adoption of **Resolution Number 36-11**, approving the proposed Master Development Site Plan Amendment for Pine Meadows Country Club Phase II: Greg Loper discussed the item. **Supervisor Brownlow made a motion to adopt Resolution Number 36-11**, approving the proposed Master Development Site Plan Amendment for Pine Meadows Country Club Phase II; motion seconded by **Supervisor Nez**. Vote unanimous approving the motion.
- l. **PUBLIC HEARING:** Consideration and possible adoption of **Resolution Number 37-11**, approving the proposed Development Site Plan for the Meadows Edge subdivision to be developed on APN 206-27-007: Greg Loper discusses. Vice-Chairman DeSpain opened up the public hearing, there being no comment, closed the public hearing. **Supervisor Thompson made a motion to adopt Resolution Number 37-11**, approving the proposed Development Site Plan for the Meadows Edge subdivision to be developed on APN 206-27-007; motion seconded by **Supervisor Nez**. Vote unanimous approving the motion.
- m. Consideration and possible approval to redirect FY10 Local Transportation Assistance Fund II (LTAF II) from Chilchinbeto Chapter (Elderly) to the Kayenta Chapter Senior Center: Jeanine Carruthers discussed the item. **Supervisor Nez made a motion to approve to redirect FY10 Local Transportation Assistance Fund II from Chilchinbeto Chapter (Elderly) to the Kayenta Chapter Senior Center**; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.
- n. Consideration and possible approval of proposal to distribute the remainder of District II FY10 Local Transportation Assistance Fund II (LTAF II): Jeanine Carruthers discussed the item. **Supervisor Thompson made a motion to approve the proposal to distribute the remainder of District II FY10 Local Transportation Assistance Fund II**; motion seconded by **Supervisor Nez**. Vote unanimous approving the motion.

COUNTY BUSINESS UPDATE: Report from Board members, County Attorney and County Manager: **Supervisor Thompson** reported on the Chamber of Commerce Ribbon Cutting in Window Rock and also several different meetings regarding the Navajo Nation. **Supervisor Brownlow** reported on the State Transportation Board Meeting and also discussed the Wallow Fire. **Supervisor Nez** reported on a fallen police officer from the Navajo Nation, Officer Curly. He requested the Board send a sympathy letter. Brad Carlyon reported that Joe Clark, a Deputy in the County Attorneys' office received the state-wide misdemeanor prosecutor award and further reported on the Shooting Straight Series.

ADJOURN: At 1:26 p.m. **Supervisor Thompson made a motion to adjourn**; motion seconded by **Supervisor Nez**. Vote unanimous approving the motion.

APPROVED:

DATE: September 27, 2011

David Tenney, Chairman

ATTEST:

Melissa W. Buckley, Clerk of the Board

**Electronic recording of the Board of Supervisors Meeting is available for review
upon a Public Records Request**