

**BOARD OF SUPERVISORS  
NAVAJO COUNTY, ARIZONA**

**JANUARY 5, 2004**

Supervisors' Chambers, Holbrook, Arizona - Time: 9:00

**PRESENT:** J.R. DeSpain, Chairman; Jerry Brownlow, Vice-Chairman; Percy Deal, Member; Jesse Thompson, Member; Pete Shumway, Member; Mel Bowers, Jr., County Attorney; Jimmy Jayne, County Manager; and Judy Jones, Clerk of the Board. Mr. Shumway led the Pledge of Allegiance and offered the Invocation.

**CALL TO THE PUBLIC:** No comments

**CONSENT AGENDA:** **Mr. Shumway made a motion** to authorize the Chairman to sign the items in the Consent Folder; motion seconded by Mr. Brownlow; vote unanimously carried. The following items were included in the Consent Agenda: 1) Voucher List for Payment; 2) Board Minutes: December 15, 16 and 23, 2003; 3) Assessment and Tax Roll Corrections; 4) Re-Appoint Judges John Lamb, Allison Kolomitz, Fred Peterson, Evelyne Bradley, Stephen Price and David Widmaier as Juvenile Hearing Officers under Presiding Juvenile Judge Gloria Kindig; 5) Justice Court Reports: (November) Snowflake, Show Low, Kayenta, Winslow & Pinetop/ Lakeside; (October) Pinetop/Lakeside; 6) Constable Reports: (November) Show Low, Snowflake, Winslow, & Holbrook; 7) Clerk of Superior Court Report: (October) (November); 8) Juvenile Justice Report: (November); 9) Back Tax Deeds: 105-09-011, 015, 019, 020, 032, 030, 080, 092, 110; 105-36-259.

**BOARD OF SUPERVISORS/ADMINISTRATION:** Jimmy Jayne, County Manager: **Introduction and Welcome** to Mr. James Menlove, Navajo County Finance Director: Mr. Jayne introduced Mr. Menlove and reviewed his past experience with stating that he is a Certified Public Accountant and has worked with the Arizona Auditor General's Office, the City of Phoenix, Mohave Community College. **Mr. Shumway made a motion** to approve hiring Mr. Menlove to fill the Navajo County Finance Director position effective January 20, 2004; motion seconded by Mr. Brownlow; vote unanimously carried

**COUNTY ATTORNEY:** Mel Bowers, County Attorney: **Approval to pay Arizona State Bar dues for attorneys out of "Fill the Gap" grant funds:** Mr. Bowers stated that attorneys must pay annual dues to the Arizona State Bar. The County Attorney's Office has always paid the Bar dues for its attorneys. The Public Defender and Legal Defender are still paying their attorneys' dues. The dues were removed from the County Attorney's FY 03/04 budget to meet the Board's mandate for a 15% reduction, but this will adversely affect morale if other attorney's are having their dues paid. The cost is \$435 per attorney, or not more than \$6,090 for all of the attorneys and they can be paid out of Fill the Gap funds. **Mr. Shumway made a motion** to approve payment of Arizona State Bar dues for attorneys out of "Fill the Gap" grant funds (\$6090); motion seconded by Mr. Deal; vote unanimously carried.

**FINANCE:** Joan Mickle, Interim Finance Director: 1) **Approval to extend temporary Accounts Payable temporary position until January 30, 2004:** **Mr. Brownlow made a motion** to extend the temporary position as requested; motion seconded by Mr. Thompson; vote unanimously carried. 2) **Acceptance of Award of Arizona Department of State Housing Funding Agreement Contract #307-04, termination date June 30, 2005:** Ms. Mickle stated that grant amount is \$275,000 with \$25,000 for administration of the funds. This grant will allow Navajo County to rehabilitate approximately 20 owner-occupied single family units within Navajo County with these funds for this year, as budget permits. Information regarding

requirements is included in the grant information. The new Grant Application forms will be provided as soon as they are available for the next set of funds. **Mr. Shumway made a motion** to accept the award of the State Housing Funding Agreement Contract #307-04, termination date 6/30/05; motion seconded by Mr. Brownlow; vote unanimously carried.

**SPECIAL DISTRICTS:** Bob Howell, Accountant: **Public Hearing: Resolution** and order establishing and organizing Madison Lane Circle Improvement District in the Pinetop area: Mr. Howell stated that approximately 75% of the parcel owners in the proposed district signed the petition asking for this formation. **Mr. Shumway made a motion** to approve **Resolution #01-04** and order establishing and organizing Madison Lane Circle Improvement District; motion seconded by Mr. Brownlow; vote unanimously carried.

**HOMELAND SECURITY TASK FORCE:** Sheriff Gary Butler: Approval of Intergovernmental Agreement (IGA) (Equipment Acquired Grant Funds from Arizona Department of Emergency Management) with local "First Responder Agencies" for distribution of funding for equipment, training, etc.: Sheriff Butler reported to the Board that the Homeland Security Task Force recommends accepting and signing the IGA's with local 1st responder agencies for equipment, training, etc. The Board is the funding agent for these funds as sub-grantee of the State. Navajo County has IGA's with State and Federal funding sources and the local qualifying agencies are sub-grantees of the county. This IGA (prepared by Lance Payette) follows State and Federal guidelines for the distribution of funding and equipment. All entities with the exception of the Navajo Nation have returned their IGA's for signing by the Chairman today. These funds will be used for training, equipment, maintenance, etc. for all qualified first responder agencies. Mr. Deal stated that he will be in touch with the Navajo Nation to see why they haven't returned their signed IGA. **Mr. Shumway made a motion** to approve the IGA's with local agencies as presented; motion seconded by Mr. Brownlow; vote unanimously carried.

**EMERGENCY SERVICES:** Commander Larry Dunagan: Update on Threat Advisory Code "Orange" (High Risk): Commander Dunagan provided the Board with information regarding the different Codes. On December 20, 2003 the Threat was raised to "Orange" due to the intelligence community receiving increased "terrorist chatter" that there could possibly be some type of activity during the 2003 holiday season. There are no known specific targets. The increased "chatter" has also indicated that there may be some type of activity in the rural southwestern United States. The switch to rural targets may be due to the increased security at high profile targets. These targets are not intended to cause mass casualties but to create economic chaos and damage critical infrastructure including electrical plants, substations and transmission lines, natural gas lines and transportation corridors. All first responder agencies have the available information and any possible targets in Navajo County have been addressed and property authority notified.

**DEVELOPMENT SERVICES:** Dave Ashton, Director: **Public Hearing: 1) Resolution** approving a **Zone Change** request by Thurman & Margaret Miller from RU-20 to RU-10 on APN 203-59-012B in the Cedar Hills area: Lissa Davis, Planner stated that this Zone Change was approved 6-0 at the November 20, 2003, Planning & Zoning Commission public hearing. Basically the reason for this request is that Hay Hollow Road splits this property in half. The applicants are requesting a Zone Change to utilize both halves in an economic manner. The applicant originally asked for the Zoning to be changed to RU-5, but agreed with the Planning & Zoning Commission's decision to grant RU-10. The following stipulations

were part of the requirement by the P & Z commission and must be met prior BOS hearing: 1) A right-of-way of not less than 80 feet in width centered on the existing alignment of Hay Hollow Road shall be deeded to Navajo County prior to scheduling before the Board of Supervisors; 2) All such lot splits and right-of-way actions shall be reviewed by the Navajo County Development Services and Public Works before they are recorded. A restriction to the current deed reflecting this stipulation shall be recorded with the Recorder prior to scheduling before the Board. (Applicants not present.) Opposing comments and concerns were made by the following individuals: *Carl Lukkes*: Open space being threatened and possible subdividing. *Betty Bowman*: doesn't want the open space to change and possible future use of property in question. *Merwyn Moore*: setting precedent for others, water problem and increased traffic. *David Abel*: like the open space and doesn't want the acreage to be reduced. *Charlotte Ledford*: moved to area for freedom and privacy. *Dr. Dana Myatt*: like open space, purchased property clean air and privacy and major water concerns. *Tim Lesperance*: privacy and the fear of other splits. No one spoke in favor. Mr. Shumway addressed the group saying that these issues are going to continue to come up and this one does create a dilemma for the property owners. Provisions need to be made so that property owners are allowed to utilize their property and keeping zoning at the RU-20 will probably not be practical.

We need to look at these requests on a case by case basis. Dick Young, Deputy County Engineer stated that a traffic analysis has recently been done on the Hay Hollow Road where the rezoning is, the results were approximately 232 per day. The Public Works Department and Development Services are looking at putting together a proposal that would address these types of issues, an additional Zoning District (Rural Highway Zoning) which would allow the property owner reasonable use all of their property when it has been divided by a highway, through no fault of the property owner. Mr. Shumway stated this is a perfect example of that. Mr. Deal stated that he did not agree with the changing of the zoning and that water issue was a concern for him. **Mr. Shumway made a motion** to approve **Resolution #02-04** for a **Zone Change** request by Thurman & Margaret Miller from RU-20 to RU-10 in the Cedar Hill area; motion

seconded by Mr. Brownlow, Mr. Thompson voted in favor; Mr. Deal and Mr. DeSpain voted No; vote carried. 2) **Resolution** approving a **Special Use Permit** request by Rodney Heikens to allow a Manufactured Home Refurbishing and Resale business on a portion of APN: 204-22-004A in the White Mountain Lakes area: Lissa Davis, Planner informed the Board that on November 20, 2003, the Planning & Zoning Commission conducted a public hearing and voted 6-0 to recommend that the Board of Supervisors approve the Special Use Permit request. The applicant has applied for a Special Use Permit to operate the refurbishing and storage portion of his Manufactured Home resale business. Resale is allowed in the C-R district by right. However, the addition of the additional functions triggers the need for a SUP. The following stipulations are part of the Resolution for approval of the SUP: 1) This Special Use Permit shall run with the land; 2) Right-of-way Use Permit shall be obtained for the driveways and drainage structures before beginning any work within the public right-of-way; 3) The driveways shall be paved within the public right-of-way; 4) A 20-foot wide landscape buffer or a 6-foot fence shall be constructed between the C-R and R1-10 zoning districts; 5) A Site Grading and Drainage Plan shall be approved prior to issuing final electrical meter loop permit; and, 6) The adjoining lot south shall not be used in support of the mobile home business. The following comments were made: *John Hager*: does not have a problem with the SUP, however he hoped they would keep this new site in better condition than the one they had previously. *Wendell DeCross*: Mr. DeCross is a member of the Planning & Zoning Commission and said that he did not object to the SUP however wanted to make sure all the stipulations were followed and the entrance would be moved to avoid interference with the intersection. **Mr. Shumway made a motion** to approve **Resolution #03-04** for a **Special Use Permit** request by

Rodney Heikens to allow a Manufactured Home Refurbishing and Resale business in the White Mountain Lakes area; motion seconded by Mr. Brownlow; vote unanimously carried. 3) **Resolution** approving a **Special Use Permit** request by Mary Petersen to allow the construction of a cellular communications tower on APN: 208-19-001E in the Pinedale area: Lissa Davis, Planner stated that on November 20, 2003, the Planning & Zoning Commission voted 6-0 to recommend that the Board of Supervisors approve the Special Use Permit request. This application is complete and consistent with commercial efforts to provide uninterrupted cellular phone service along the Highway 260 corridor. *Carl Wiebel* was present as representative for Mary Peterson, the applicant. The following comments were made in opposition: *Scott Bailey*: stated he felt it was a bad decision and would be detrimental to the pristine area it is designated for; he also had concerns that he was a property owner within the noticing limit and had not received notice of the P& Z meeting on 11/20/03. He had asked for the hearing to be postponed as it was not. He and his wife had major concerns over the height of the proposed tower (180'); this would affect the wildlife in the area and the property values and overall the tower was too high. Mr. Bailey suggested the tower be placed on federal land. *Mickie Oliver*: concurred with Mr. Bailey in that she does not feel proper procedure for noticing was followed and the only posting she saw was a small piece of yellow paper stuck in a gate 60' off the highway. *Ken Baker*: stated his concerns were mainly health issues, he provided the Board with health related reports stating that there are health effects related to mobile radio units. He stated he had moved to the area because of the clean air and pristine conditions of the land and the visual effect would be a negative impact as well as the health effects. *Kim Burd*: advised that there were already two other towers in the area, why couldn't those towers be used and also felt there had not been proper notice. Deputy County Attorney Lance Payette was asked to address the issue of proper notification and posting. Mr. Payette stated that the requirements for posting does appear to be adequate which is all the Zoning Ordinance requires. The problem is with the 300' mailing notice. Statute and our Ordinance both say that required notice is to be mailed to all owners within 300' from the proposed amendment or change. It is fairly clear that the application for the Special Use Permit notices that were posted and sent out, and the proposed SUP that the Board has before it today, all refer to it as being a SUP for the entire parcel. The recommendation that the P&Z Commission limited the tower to a little area within the entire parcel, but the way it is agendized and noticed is an issue for the entire parcel and this Board wouldn't be. Because it is an issue with the entire parcel, a Court would probably interpret the within 300' of the proposed change as within 300' of the entire parcel. I think it needs to go back to the P & Z Commission and start from the ground floor. **Mr. Shumway made a motion** that this item be sent back to the P & Z Commission; motion seconded by Mr. Thompson; vote unanimously carried.

**HEALTH SERVICES DISTRICT:** Mary Tyler, Interim Director: **Board of Directors Session:** **Mr. Shumway made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Brownlow; vote unanimously carried. 1) Update on Influenza and available vaccine: Update of Flu. Currently Navajo County Public Health Services District has given all of the adult flu vaccine that it has received. It is anticipated that no additional adult flu vaccine will be available. At the end of December an additional 50 doses of pediatric flu vaccine were received. We were instructed by the Arizona Department of Health Services to administer this vaccine to high-risk children and that has been completed. Since the holidays, the requests from the public, for flu vaccine, have been reduced. 2) Update on BSE (Mad Cow Disease): update on BSE (Mad Cow Disease). The US Department of Agriculture recently announced that it had found a case of BSE in a dairy cow. A recall was initiated in 8 western states and 1 territory which does not include Arizona. Because of this and other safety measures of the USDA, there is almost no risk to humans for contracting BSE. 3) Renewal of Contract for health care

laboratory services with Sonora Quest Laboratories: The Department has contracted with ADHS to provide Family Planning services to a limited number of people and desire to contract with an outside professional laboratory to perform the required lab testing. The cost to the County will be \$15.10 per pap smear single slide and \$30.00 pap smear double slide. Effective date January 1, 2004 through December 31, 2004.**Mr. Brownlow made a motion** to approve the renewal of a contract with Sonora Quest Laboratories; motion seconded by Mr. Shumway; vote unanimously carried. **Mr. Brownlow made a motion** to return to regular session; motion seconded by Mr. Shumway; vote unanimously carried.

**BOARD OF SUPERVISORS:** J.R. DeSpain, Chairman: **Resolution** in Honor of Representative Polly Rosenbaum who passed away December 28, 2003: **Mr. Shumway made a motion** to approve **Resolution #05-04** in Honor of Representative Polly Rosenbaum; motion seconded by Mr. Deal; vote unanimously carried.

**PUBLIC WORKS:** Bill Cox, Director: 1) Approval of Change Order #1 to Contract #B03-8261, Hog Wash Crossing at Blackjack Road with Surface Contracting, Inc.: Mr. Cox stated that we entered into Contract # B03-08261 with Surface Contracting, to install eight county-furnished 36" diameter culverts with grouted rock rip-rap headwalls, and other associated work in Hog Wash at Blackjack Road. It appears that we will need concrete instead of the proposed grouted rock rip-rap in order to attach the required traffic safety bars on the ends of the pipes and to minimize the impact of the construction on adjacent private property. The Contractor has given us an amount of \$17,500. **Mr. Brownlow made a motion** to approve Change Order #1 to Contract #B03-8261, Hog Wash Crossing at Blackjack Road with Surface Contracting in the amount of \$17,500; motion seconded by Mr. Deal; vote unanimously carried. 2) Continued discussion re: Projects to be included in the 2004/05 Capital Improvement Plan Five-Year Plan (Study Session) (continued from 12/16/03): Mr. Cox explained that this is a preliminary CIP for the Board to review and make comments on the items that the Department has placed on the Plan. (Proposed Plan on file in the Clerk of the Board's Office.) The actual Plan will be part of the 04/05 Budget Discussions for the Public Works Department. Mr. Thompson asked if improvements could be made to the road leading from Joseph City north to the reservation. Mr. Cox explained that the cost-benefit ratio for that road was questionable since the traffic count on was estimated at 18 cars per day. Mr. Deal agreed with Mr. Thompson stating that the road would be used more if the road was improved. Mr. Shumway stated there are a lot of roads in the county that have a higher traffic count and need improvement and we can't do them all. Mr. Shumway asked when the design for the Lone Pine Dam Bridge would commence and Mr. Cox replied that it is scheduled for this fiscal year. Mr. Thompson stated he had concerns with the signing at the Bird Spring Bridge. Mr. Cox responded that the Department was trying to go with the traffic study that was recently done by ADOT to place signs where needed. Mr. DeSpain asked that the Joseph City Bridge project be moved forward one year, since it is part of the alternate route from Holbrook to Joseph City. Discussion regarding Special Project Road Funds and the use of these funds for some of the requested project. Mr. Cox encouraged the Board to review the Plan and discuss with him any projects they would like the department to do a cost estimate on and that the Five-Year would be part of their budget proposal.

**HUMAN RESOURCES:** Gail Sandoval, Director: 1) Approval of Personnel Actions: **Mr. Shumway made a motion** to approve all but items (1) & (2) of the personnel actions, these items are not declined, but needed additional review; motion seconded by Mr. Brownlow; vote unanimously carried. 2) Approve job description for Bioterrorism Program Director: **Mr. Shumway made a motion** to approve the job

description for Bioterrorism Program Director and begin advertising for that position; motion seconded by Mr. Brownlow; vote unanimously carried. 3) Approve job description for Grant Administrator position: This item was continued.

**BOARD BUSINESS:** *Mr. Thompson* stated he had attended former Supervisor from District III, Tommy "Tee" Thompson's services in Winslow and they were very nice. *Mr. Deal* reported that the partnership with U of A granted \$35,000 for a Liaison position between the U of A and the community. *Mr. Brownlow* wished everyone a Happy New Year. *Mr. Shumway* echoed Mr. Brownlow's Happy New Year wish. *Mr. Bowers* thanked the Board of the action taken today to approve paying the Bar dues for the attorneys in his office. *Mr. DeSpain* thanked Delton Jenkins for the nice tree he put up in the Employee's Lunchroom area and asked that the Board send a letter of sympathy to the family of Betty Clemons (Navajo County Sheriff's Office) who passed away over the weekend.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Tuesday, January 20, 2004, upon a **motion made by Mr. Shumway**; motion seconded by Mr. Thompson ; vote unanimously carried. The meeting adjourned at 3:40 p.m.

**APPROVED:**

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**J. R. DeSpain, Chairman**

**DATE:****ATTEST:**

**Judy Jones, Clerk of the Board**

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

AT&T

\$16000; Allegra\$1163.74; ABStarns\$1800; AutoSfty\$8986.38; AZDOC\$1500; BankOne\$33075; Barrow\$1393; Bradco\$5916.55; CHolliday\$1680.50; CarquestHlbrk\$1038.24; CarquestP/L\$2976.59; CarquestTaylor\$2747.83; HlbrkCty\$1590; Cin1stBnk\$63727.84; Contech\$15646.52; DJones\$4166.66; DMartin\$2916.67; DMcCoy\$5960.35; E&E\$1560.17; Hughes\$1029; JGarsha\$1147.51; GForsyth\$4436.67; NCRF\$14321.77; Norchem\$1163.44; PhycnsSale\$8308.77; SHeckathorne\$1380; Skycasters10141; SpcltyLdrs\$344.92; SRMEngineer\$1825; Tetra\$14503.75; ThndrbrdBldg\$5010.87; UnitedRentl\$1758.75; USDARural\$46367.79; Vision\$1161.46; WstrnPapr\$1046.90; WoodLaw\$2916.67; KachinaOfc\$1785.47; AHardy\$3500; ABuscher\$1339; AZTreas\$25898; BoiseCscd\$1045; Bradco\$13416.08; CMowellFunrl\$3564.75; CSmith\$4802.94; ClrCrt\$9742.22; DiamondPhmcy\$13023.90; EMorse\$2140; FBaker\$10514.78; HlbrkExtn\$2542; JurySys\$3262; KansasBank\$KeyPoint\$1859; LawEnforce\$1610; MBender\$1406.11; MGolightly\$4205.10; NatlFluid\$1970; NCRF\$5400.57; NCShrf\$6000; NewmanTraffic\$2234.60; Northstar\$2627.91; OfcWrhse\$6500; PetroleumTrad\$8057.25; Tates\$1299.18; Trilking\$59211.81; Transource\$2414.96; USNuclear\$1500; WesternTech\$2100; WestministerMemorial\$1250; Com1stBnk\$1379.49; DeptInterior\$37000; E&EServ\$3405.43; EarthMvr\$7836.02; HughesCalihan\$5866.65; MaricopaHlth\$28,240.48; Millenium\$1189.55; NACO\$1571; NCRF\$2789.83; Petroleum\$9597.38; PtneyBowes\$3197.66; Bank1\$44298.05