

**BOARD OF SUPERVISORS
NAVAJO COUNTY, ARIZONA**

January 17, 2006

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

PRESENT: Jesse Thompson, Chairman, Jerry Brownlow, Member; David Tenney, Member; James G. Jayne, County Manager; Mel Bowers, County Attorney; Darlene Fraley, Deputy Clerk of the Board

Supervisor Tenney led the Pledge of Allegiance and gave the invocation.

Supervisor DeSpain entered at this point.

BOARD BUSINESS:

Supervisors reported on activities within their District and on participation in various committees.

CALL TO THE PUBLIC: Hugo Lusten of Snowflake addressed the Board and advised that he does not believe the County has the authority to fence private property and funds used for that should be used to improve the roads. He related this fencing to a lack of equality for tax payers; that their property rights are being taken away. Mr. DeSpain reported that a letter had been sent to Mr. Lusten but he had not yet received it. He provided Mr. Lusten a copy of that letter, stating that the letter should answer a lot of the questions Mr. Lusten raised. He invited Mr. Lusten to read the letter and contact him with any questions.

CONSENT AGENDA: a) Voucher list for payment; b) Minutes – March 21, 2005; c) Removal of weight limit signs on Shumway Road Bridge; d) Justice Court Reports: Winslow #2 Precinct November; Show Low #5 Precinct November; Kayenta #4 Precinct November; Holbrook #1 Precinct October; Snowflake #3 December; e) Court fees report—November; f) Constable Reports: Holbrook Precinct #1 November; Lakeside, Whiteriver, Pinetop, Cibecue, Hondah Precinct #6 November; g) Name an existing road in Section 23 Township 09 North-Range 22 East in the Pinetop area “Cimarron Lane”; h) Name an existing road in Section 16 Township 19 North-Range 22 East in the Sun Valley Area “Cash Lane”; i) Letters to the Honorable John McCain, Honorable Jon Kyl and Honorable Rick Renzi in support of bipartisan legislation recently introduced to make public service careers more viable for law school graduates; j) Back tax land deeds; At the request of the Chairman, Mr. Bowers discussed the background of the letter proposed to support legislation to provide attorneys who go into public service some relief from student loans. **Mr. Brownlow made a motion** to approve the Consent Agenda and authorize the Chairman to sign the items on the Consent agenda; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

HUMAN RESOURCES: Gail Calisen: Discussion and possible approval of Personnel Actions
Gail Calisen reviewed her written report of Personnel Actions. **Mr. Brownlow made a motion** to approve the personnel actions as presented and authorize the Chairman to sign the payroll actions; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

HEALTH DISTRICT: Dr. Wade Kartchner: **Board of Directors Session:**

Mr. Brownlow made a motion to enter the Board of Directors session for Navajo County Public Health District; motion seconded by Mr. Tenney; vote unanimous approving the motion. **Pandemic flu presentation**—Dr. Kartchner reported he recently attended a seminar regarding preparation for pandemic flu. He discussed the history of pandemic flu, the probability of a pandemic flu outbreak, prevention measures, and the impact on the continuity of County management. He cautioned not to take symptoms

lightly and reported that in Navajo County there have been a number of illnesses but no deaths. He pointed out that the State is at the highest level of alert that it has been and Arizona is at the highest percentage of flu cases of any other state. Mr. Bowers inquired what the main cause of death is due to flu and Dr. Kartchner said it could be acute pulmonary distress or pneumonia. Dr. Kartchner reiterated that the bird flu has not been transmitted human-to-human and discussed control measures for the bird flu which take place mainly in third world countries. Dr. Kartchner stated the public should still get their flu vaccine and follow the recommendations made for prevention. Mr. Deal inquired what public education is happening. Dr. Kartchner stated they will break the State into regional areas to put together packages to educate the public.

Mr. Brownlow made motion to return to regular session; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

ASSESSOR: Cammy Darris: Discussion and possible approval of extension of employment for temporary employee from 18 hours per week to 40 hours per week through June 30, 2006: Ms. Lola Sibcy reviewed this request with the Board. **Mr. DeSpain made a motion** to approve the extension of employment for temporary employee from 18 hours per week to 40 hours per week through June 30, 2006; motion seconded by Mr. Tenney; vote unanimous approving the motion.

ELECTIONS: Kelly Dastrup: Informational update regarding identification at the polls: Ms. Dastrup recognized Laurette Justman, County Recorder for her support of the Election Department. She conducted a power point presentation regarding ID at the polls. Ms. Dastrup reported the City of Show Low and Show Low School District will be temporary satellite receiving offices for the March election and South County offices in Show Low will be a permanent receiving office. Mr. Tenney and Mr. Thompson congratulated Ms. Dastrup on the clarity of her presentation. Mr. Deal stated his true opinion of this new policy is that it will drive voters away and he did not believe anyone would return if they have to provide additional ID. Ms. Dastrup said they hope to get the information out so the voter will not be hearing about the requirement for the first time at the polls. Mr. Deal requested that elections keep track of statistics related to the conditional provisional and those who return with ID and stated that regardless of the amount of public education there will be a problem. Ms. Dastrup agreed stating there will be a tremendous effort by the elections department through media, mail outs, utility bills, cable TV and workshops to reach as many people as possible. She reminded those present that the requirements are not necessary in an early ballot situation or in an all-mail election. Mr. Thompson thanked the election staff for the information.

BOARD OF SUPERVISORS:

- a. Discussion and possible approval of financial assistance not to exceed \$500.00 from District II funds to assist in costs of cleaning up debris left by a recent fire damaging the Hotevilla Village-owned store and computer room: Kenneth Quanimptewa discussed the recent fire at the Hotevilla Village store which is owned by the Hotevilla Village and advised of its impact on the community. He discussed the loss to the students in the community through the loss of the computers. Mr. Thompson inquired if this is a community store and Mr. Quanimptewa stated it is. **Mr. Tenney made a motion** to approve the funding request as presented with a manual warrant; motion seconded by Mr. DeSpain; vote unanimous approving the motion.
- b. Discussion and possible approval of financial assistance not to exceed \$371.00 to sponsor a Hardrock Chapter representative's attendance at the 2nd Annual North Region Tribal Bioterrorism Conference to assist in the development of an Emergency Response Team within the Hardrock Chapter: **Mr. Deal made a motion** to approve financial assistance not to exceed \$371.00 in a manual warrant to sponsor a Hardrock Chapter representative's attendance at the 2nd Annual North Region Tribal Bioterrorism Conference to assist in the development of an Emergency Response Team within the Hardrock

Chapter; motion seconded by Mr. DeSpain; vote unanimous approving the motion. Mr. Deal discussed the importance of this conference as it relates to the Hardrock Chapter. Mr. Bowers noted there was a discrepancy in the mileage reimbursement amount. **Mr. Deal made a correction to his motion** to include the correct mileage reimbursement amount; Mr. DeSpain seconded the amended motion; vote unanimous approving the motion. Mr. Menlove stated he would re-calculate the mileage reimbursement amount for the issuance of the manual warrant.

- c. Discussion and possible approval of priority listing of federally funded projects for submission to Congressman Renzi: Jack Latham expressed appreciation for this prioritization process at the County level. Supervisors discussed the priority listing from 2005 and those items that had been funded. Mr. Latham discussed Congressman Renzi's introduction of a bill in the House of Representatives in consultation of American Bar Association which provides that after ten years of public service any outstanding student loan amount for an attorney will be forgiven in full. Supervisors reviewed last year's priority letter and agreed this issue should come back to the February 6th meeting for finalization of the priority list.

FINANCE/PURCHASING: James Menlove: Financial status report: Mr. Menlove reviewed his written financial report, discussing percentages of budgeted funds expended. It was noted that revenues substantially exceed expenditures.

PUBLIC WORKS/PLANNING & ZONING: Dusty Parsons, Bill Fraley, Telford Chapman

- a. **Public Hearing:** Discussion and possible approval of **Resolution # _____ - 06** of the proposed **Special Use Permit request by Rocking Chair Ranch, LLC for parcel 110-01-010 to allow the construction of the 99-MW Dry Lake Wind Project: Mr. Fraley recognized the presence of Ruth Ann Smith, Planning Commissioner from District IV. Mr. Chapman discussed the request for a Special Use Permit in the Pink Cliffs area for a 99 Mega Watt wind farm, reviewed the report from the Planning Commission related to this request, staff recommendations, and requested stipulations. Mr. Chapman reported they had received an email and faxed letter expressing opposition to the project stating stipulations address some of the concerns. Mr. Thompson invited members of the public to make a statement. Mr. Bill Elkins of Rocking Chair Ranch of Snowflake spoke in favour of the project and invited technical questions. Tom Sanders spoke against the project based on aesthetics. Jesse Gronner of Portland Oregon stated he is developing this wind farm and the benefits will have a direct impact on assessing land at a higher value resulting in more revenue from taxes. In response to questions he stated the towers will be 400' tall when the blades are their highest point with an 80 meter hub height. The largest number of turbines could be 99 but the actual number would be closer to 60. Discussion was held on the cabling from this generation being underground and where this electricity will be marketed. John Gagliotti advised of possible markets for this electricity. Further review of the location map showed that the wind farm will be about three miles from Mr. Sanders' ranch and Mr. Sanders stated if that is the case he has no problem with the project. **Mr. DeSpain made a motion** to approve by **Resolution #01-06** the proposed Special Use Permit request by Rocking Chair Ranch, LLC to allow the construction of the 99-MW Dry Lake Wind Project as outlined in the resolution; motion seconded by Mr. Tenney. Following further discussion, the vote was unanimous approving the motion.**
- b. **Public Hearing:** Discussion and possible approval of **Resolution # _____ - 06** of the proposed **amendments to the Navajo County Zoning Ordinance Article 15, Section 1502, Article 18, Section 1802, Article 19, Section 1902, Article 20, Section 2002 and Article 30, Section 3002 related to Contractors' yard:** Mr. Fraley stated this item has been brought before the Board after meetings with contractors and a Commission hearing, which Mr. Tenney had attended. He reviewed the use and restrictions as presented in the resolution and explained staff had made every concession to concerns

that had been raised and still stay within the intent of the ordinance. Mr. Tenney agreed pointing out that none of the contractors who had disagreed are present now which indicates they are in agreement with the presentation. Mr. Thompson invited public comment and there was none. **Mr. Tenney made a motion** to approve by **Resolution # 02 - 06** of the proposed amendments to the Navajo County Zoning Ordinance Article 15, Section 1502, Article 18, Section 1802, Article 19, Section 1902, Article 20, Section 2002 and Article 30, Section 3002 related to Contractors' yard; motion seconded by Mr. Brownlow; vote unanimous approving the motion with Mr. Deal absent for the vote. Mr. Tenney expressed his appreciation for Mr. Fraley's diligence in working on this project and bringing it to resolution.

- c. **Public Hearing: Discussion and possible approval of Resolution # - 06 for the extinguishment of a 20-foot easement (alley) known as Full Moon Street across nine lots in the old Overgaard Townsite:** Carol Fraley reviewed the written presentation of this item stating that she had received no feedback on her mailings. Mr. Thompson invited public comment. Ruth Ann Smith addressed the Board stating the land to the east is developed land that already has ingress/egress and is not negatively impacted by the abandonment. She reported that out of town fire departments during the Rodeo Chediski fire were confused by the Full Moon route because it doesn't exist. She does not see any negative aspects to extinguishing this easement. Mr. Tenney inquired if any of this easement has been used an alley or road. Ms. Smith stated that it has never been used by anyone; that there is no access. **Mr. Tenney made a motion** by **Resolution # 03 - 06** for the extinguishment of a 20-foot easement (alley) known as Full Moon Street across nine lots in the old Overgaard Townsite; motion seconded by Mr. DeSpain; vote unanimous approving the resolution.
- d. **Public Hearing: Discussion and possible approval of Resolution # - 06 for the extinguishment of a five-foot portion of a public road easement across Lot 25, Buckskin Artists' Community:** Ms. Fraley discussed the history of the easement which would have been a public roadway had it been correctly used. Mr. Parsons stated they are not extinguishing the entire easement and will continue to have a 25' easement. He said the 5' being considered for abandonment will not impact the easement for the other properties and is only narrowing that portion affecting the homeowner. Mr. Deal inquired if this has been done in the past and Mr. Parsons and Mr. Fraley stated it had been, citing an example. Mr. Thompson invited public comment and there was none. **Mr. Brownlow made a motion** to approve by **Resolution # 04 - 06** for the extinguishment of a five-foot portion of a public road easement across Lot 25, Buckskin Artists' Community; motion seconded by Mr. DeSpain; vote unanimous approving the motion with Mr. Tenney absent for the vote.
- e. **Discussion and possible approval of expending an amount not to exceed \$15,000 from Special Road Funds in District II for compaction testing as presented:** Mr. Parsons requested that this item be tabled until the next meeting due to recent information received from BIA regarding the right-of-way. Mr. Thompson introduced Mary Anne Begay, Secretary for Indian Wells, and George John, Community Services Coordinator. Mr. John provided a site map showing where the project is located. He stated this route is used by local residents, Hopi residents, for the transport of school children and travelers through the reservation. He outlined the need for this project due to animal-related accidents and reported that as the project progressed the need arose for compaction testing for the cattle guards to provide ingress and egress onto the State route for 28 cattle guards along the right-of-way fencing project. Mr. Thompson inquired if this addressed the concern about the cattle guards being on public roads. Mr. John stated the placement of the cattle guards will be on the right-of-way boundary. Mr. Deal asked for clarification of Mr. Parson's question. Mr. Parsons read a letter received from Joan Greisner of the BIA that raised the questions he feels need to be addressed to assure it is a legal expenditure of HURF funds. He requested that he be granted additional time for clarification of this

issue. Mr. Deal asked why the fence was placed 1' outside the BIA right-of-way. Mr. John stated that when the project was started, the BIA was consulted about the placement. Since that time they have surveyed and placed stakes. He said the BIA was consulted and the compaction issue was one raised by the BIA when considering accepting the cattle guards. Mr. Deal requested a copy of that letter. Mr. John stated they will discuss this issue with the Department of Transportation next week and will discuss this letter but he does not have a copy of that letter with him today. He expressed surprise at the letter sent to Mr. Parsons as the BIA had not shared these concerns with him. Mr. Deal stated that in the past the BIA did stake out the proposed construction site and it seems like it is up to the BIA to decide if this is within their area or not. **Mr. Deal made a motion** to approve this item subject to BIA clarification that it meets required statutes; motion seconded by Mr. DeSpain; vote unanimous approving the motion. Mr. Thompson introduced Dottie Wilson who is assisting the Indian Wells community. Ms. Wilson greeted everyone and expressed appreciation for approving this portion of the fencing process. She said she has traveled this road for 20 years, has witnessed school bus accidents with animals and there have been fatalities. Mr. Parsons stated this is an excellent project and he will work out the technicalities of it so it can move forward. Mr. DeSpain expressed support for this project. Mr. Bowers inquired if, as the BIA states the fence as proposed is 1' off easement and they will not include it in their inventory, who will maintain the road. Mary Anne Begay stated they had not yet received a copy of this letter from the BIA and that issue will be addressed.

- f. Discussion and possible approval of extending the temporary position in the administrative area of the Public Works Department through June 30, 2006: Mr. Parsons outlined the responsibilities of this position. **Mr. Tenney made a motion** to approve this position as presented; Mr. Brownlow seconded the motion; vote unanimous approving the motion with Mr. Deal absent for the vote.

ADMINISTRATION: James Jayne

- a. Information regarding routine County business
Mr. Jayne reviewed his report to the Board of Supervisors regarding activities within the County.
- b. Discussion and possible action regarding identification of county vehicles
Mr. Jayne discussed ARS statutes as related to vehicle identification. Mr. Tenney stated he would like vehicles clearly marked with the seal included on the front driver and passenger side doors and Mr. Brownlow concurred. Mr. DeSpain said in the sale of vehicles it is difficult to remove the decal without damaging the paint and placing the ID on the window makes it easier to remove. **Mr. Tenney made a motion** to adopt a policy that places the county name, seal, and "For official use only" on the front driver and passenger side door. Mr. Deal stated he has no problem with "For official use only" on the windshield but would object to the seal. Mr. DeSpain requested that information be brought to the Board showing how the seal would look. Mr. Jayne discussed the current ID on vehicles and stated Mary Springer will bring back a couple of options so there will be a uniform identification on all County vehicles. Mr. Tenney discussed public perceptions of why not all vehicles are prominently identified. Mr. Tenney's motion died for lack of a second. Mr. Brownlow expressed support for Mr. DeSpain's recommendation to bring ID information to a future meeting.
- c. Discussion and possible approval of commuting vehicle list by position: Mr. Jayne stated it was previously requested by a Supervisor that vehicles which could be used for commuting purposes be listed by position. He stated the County Manager has been added to the commuting list and Mr. Brownlow stated he felt it is in the best interest of the Board for Supervisors to be added to the commuter vehicle list. **Mr. Brownlow made a motion** to approve the list as presented with the addition of the Board of Supervisors; motion seconded by Mr. Tenney; vote unanimous approving the motion.

ADJOURN: At 12:48 p.m., **Mr. Brownlow made a motion** to adjourn; motion seconded by Mr. Tenney; vote unanimous approving the motion.

APPROVED:

DATE:

Jesse Thompson, Chairman

ATTEST:

Clerk/Deputy Clerk of the Board