

**NAVAJO COUNTY BOARD OF SUPERVISORS MINUTES  
MONDAY, MARCH 20, 2006**

Chairman Jesse Thompson called the meeting to order at 9:01 a.m.

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

Supervisor Deal led the Pledge of Allegiance and Invocation

**CALL TO THE PUBLIC: No response**

**CONSENT AGENDA:** a) Voucher list for payment; b) Back Tax Land Deeds; c) Sympathy letter for Supervisor Brownlow and Julie Flack; d) Special event liquor license fund raiser for St. Anthony School at Pinetop Country Club, 6734 Country Club Drive, Pinetop; e) Rename a non-County maintained road at the property owners' request in the Overgaard area from "Ruby Lane" to "Zamorano Lane" in Section 32 Township 12 North – Range 17 east: **Supervisor DeSpain made a motion** to authorize the Chairman to sign the items in the Consent Agenda; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

**PUBLIC WORKS/PLANNING & ZONING:**

- a) **Public Hearing:** Consideration and possible approval of **Resolution No. \_\_\_\_\_ - 06** for a Zone Change request by Jerry Cox, APN 212-37-096H in the Pinetop-Lakeside area to develop a 31-lot subdivision: Mr. Fraley reported the Planning Commission conducted a public hearing and made a 5-2 recommendation in favor of this zone change. He reviewed submitted written materials, displayed a site map locating the property and discussed staff and Planning Commission stipulations as outlined in the resolution. He provided a map of the 300' boundary stating staff mailed out 46 letters and received a protest petition with 17 names. When comparing the petition to the 300' boundary they found eight property owners within that limit had signed the petition coming within two of the signatures needed to require a 75% favorable vote of the Board of Supervisors. Mr. Fraley advised that during plat approval it will be determined if stipulations have been met. Homero Vela stated that even though tentative plat approval is not yet to be considered, since there is considerable concern by existing owners Flood Control started working with the developer to make modifications. He advised they have gone through five iterations of the plat, increasing lot sizes, addressing base flood elevations, and now the plat has 10,000 square foot lots. Mr. Vela discussed the original delineation of the flood plain and the new delineation, advising the flood plain is now much smaller with a deeper basin. He said the studies used are those that were paid for by Navajo County and are accepted by the department. Supervisor Deal stated that stipulations calling for reports, drainage, drainage analysis, traffic study, and flood control do not indicate how much time the developer has to produce these reports for department analysis, study and approval. Mr. Fraley said this is dictated by how fast the developer wants to move through the system. He said all requested studies from this developer have been submitted and are under department review. Supervisor Brownlow inquired if the 31-lot number is final and Mr. Fraley stated that it is not and that will be finalized during the plat approval process. He thanked community members who provided pictures of recent flooding for the Board's review. Chairman Thompson invited anyone in favor of the zone change to address the Board. Mark Woodson of Woodson Engineering stated he is here on behalf of the developers of the project. He complimented staff on working with them and stated he has incorporated the changes outlined in the stipulations. He stated the new changes allow more area to be open and undeveloped and they will make improvements to the basin to hold more water and improve it over the flood control map requirements. Mr. Woodson stated the developers would like to deed the retention basin to the County but as it is now it would be the

responsibility of the homeowners. Chairman Thompson invited those who would like to speak in opposition to this request to come to the podium. Jerry Little, August Johnson, David Norton and Herb Hemings, residents of the subject area, addressed the Board making the following points:

- They did not see the petition that was circulated.
- The existing retention basin was built by the County and in a normal year will keep the area from flooding.
- Every Spring, the water flow affects residents to the north, south and west of the subject area and in high flood years, the water has come within a couple of inches of the floor of some houses.
- The number of homes in the subdivision is not at issue; the concern is the impact development will have on flooding.
- If properties are built up and they do not increase the outflow, the displaced water will flow to adjacent properties.
- About 20 new homes have been built above the flood area and that has impacted water flow.
- Photographs of the flooding conditions were reviewed and it was reported these pictures were not of a severe flood; that during the last major flood one house was totally surrounded by water.
- The new pond should be 20' to 30' deep to hold all the water; bedrock is about 6' below the surface.
- Flooding is not a new issue as it has been on-going for over two decades.
- Much of the water flows from the reservation.
- Drains were installed by the County through some properties and the owners would like to know who gave permission for that to happen.
- The new plans are improved but the residents prefer to have the property remain as it is.

Supervisor Deal requested clarification regarding the required reports and Mr. Fraley stated that until Engineering and Flood Control advises that critical areas are addressed and the project meets all Navajo County standards, the project will not move through the approval process.

Homero Vela addressed the group stating that there will be flooding in this area regardless of whether there is development because some properties are within the flood plain. He advised that the developer is taking measures to assure that the flooding will go no higher than it did previously and may be less. He stated that through this plan, the pond will be approximately 1.5 times deeper than the existing pond and the target is to continue to release at the same rate of 680 cubic feet water per second in a one hundred year event. Supervisor DeSpain received clarification that if the Board does nothing at all the residents along the boundary of the flooding area will still experience flooding because they have built in the flood plain. Mr. Vela stated that to improve on the delineation it would require a significant basin and that is not in the plan now. Supervisor Tenney pointed out that with increasing land values, someone will develop the property and if they do so under A General the development could be something that does not require studies. Supervisor Brownlow agreed stating that under the current zoning the land could be split five ways with homes built and those owners would not be required to have drainage studies and culverts. He stated he lives close to this area and has observed the flooding; he reviewed the initial proposed map and pointed out problems; and he is pleased that the developer made changes to rectify the concerns. **Supervisor Brownlow made a motion** to approve by **Resolution 16-06** a Zone Change request by Jerry Cox, APN 212-37-096H in the Pinetop-Lakeside area to develop a 31-lot subdivision; motion seconded by Supervisor Tenney. Supervisors Tenney and Brownlow encouraged the continued involvement of the residents, assuring them that the Planning & Zoning and Flood Control directors are committed to assuring that this project will not increase the problem. The vote was unanimous approving the motion.

- b) Consideration and possible approval of **Resolution No. \_\_\_\_ - 06** for the Final Plat and Financial Assurances for the Starlight Ridge Estates Unit 2 subdivision (Bill Fraley): Mr. Fraley advised that this is not a public hearing and discussed the Planning and Zoning Commission approval

recommendation to the Board. He reviewed the subdivision staff report recommending the typical conditional approval and advised he had submitted the developer-furnished Financial Assurances to cover the cost of the improvements to the Deputy Clerk of the Board. He displayed a location map and advised it meets all requirements for a final plat. Mr. John Murphy of Murphy Engineering discussed the location of the development reporting that the South End of the unit indicates the development meets Rim Road and that may change in the future. The Board discussed that because this development borders Rim Road there were issues that had to be resolved with the Apache tribe. **Supervisor Brownlow made a motion** to approve **Resolution 17-06** for the Final Plat and Financial Assurances for the Starlight Ridge Estates Unit 2 subdivision; Supervisor Tenney seconded the motion.

The developer, Ron Kohner, thanked the Board, especially Supervisor Brownlow, and Bill Fraley and the engineering department for cooperating with him. He stated he is a resident of South County and wanted to compliment Public Works on the snow removal. The vote was unanimous approving the motion with Supervisor Deal absent for the vote.

- c) Board of Directors Session: Shumway Road Improvement District: **Supervisor DeSpain made a motion** to enter into the Shumway Road Improvement District **Board of Directors Session**; motion seconded by Supervisor Brownlow; vote unanimous approving the motion with Supervisor Deal absent for the vote.
- i. Public Hearing to consider protests/objections to the Resolution of Intention: Carol Fraley reported there had been no protests received to the Resolution of Intention. Upon invitation, no audience member spoke to this resolution.
  - ii. Discussion and possible approval of Resolution No. \_\_\_\_\_ - 06, Resolution of Ordering the Work and Improvement described in Resolution No. 05-06: **Supervisor DeSpain** expressed appreciation for the staff's work on this project and **made a motion** to approve **Resolution No. 18-06**, Resolution of Ordering the Work and Improvement described in Resolution No. 05-06; motion seconded by Supervisor Tenney; vote unanimous approving the motion.
- Supervisor Tenney made a motion** to return to regular session; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- d) Discussion and possible approval of 60-day extension for part-time employee: Dusty Parsons explained that his department is receiving an increased number of development applications creating the need for additional clerical assistance. **Supervisor Tenney made a motion** to approve the 60-day extension of the part-time employee; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.
- e) Consideration and possible approval of funding in an amount not to exceed \$1,802.92 from District IV LTAF II funds to assist Rim Country Senior Center with vehicle maintenance with a manual warrant to be issued: **Supervisor Tenney made a motion** to approve funding in an amount not to exceed \$1,802.92 from District IV LTAF II funds to assist Rim Country Senior Center with vehicle maintenance with a manual warrant to be issued; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

### **BOARD OF SUPERVISORS:**

- a) **BOARD OF EQUALIZATION: Board of Equalization Session:** **Supervisor DeSpain made a motion** to enter into the **Board of Equalization Session**; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. Swearing in of Assessor Appraisers and Petitioners: **Deputy Clerk Darlene Fraley swore in** Assessor Cammy Darris. Discussion and possible board action re: **Petitions for Review of Proposed Correction Helen & Peter Miller APN 206-35-23B 10:** Cammy Darris advised that this is a 10-acre parcel behind the Heber Fire Department. She stated that the petitioner who is requesting the change on the land value sold all four comparables and they all sold for more than assessed. Following some discussion, **Supervisor Tenney made a motion** to uphold the recommendation of the Assessor's office; motion seconded by Supervisor Brownlow; vote unanimous approving the motion with Supervisor Deal absent for the vote. **Supervisor DeSpain made a motion** to return to regular session; motion seconded by Supervisor Brownlow; vote unanimous approving the

motion.

- b) Consideration and possible appointment of the Navajo County Finance Director as the Administrator for the McLaws Road Fire District for the period of time until a Board of Directors can be duly elected at a regularly scheduled County election: Supervisor DeSpain stated he met with Mr. Menlove and community members who are trying to re-organize this Board and those members expressed the wish to re-establish a Board through appointment and then election. He advised that following a conversation with the County Attorney, it was determined it would be necessary to appoint an administrator until an election could be held. He stated that they are now requesting that this Board appoint James Menlove as administrator until the three member board can be elected in November. He said that interested parties had asked if they could attend budget hearings in an advisory capacity and Mr. Bowers stated that the person appointed is free to take advice from interested parties. **Supervisor DeSpain made a motion** to appoint James Menlove, Navajo County Finance Director, as the Administrator for the McLaws Road Fire District for the period of time until a Board of Directors can be duly elected at a regularly scheduled County election; the motion was seconded by Supervisor Brownlow. After some discussion regarding the statute permitting this action the vote was unanimous approving the motion.

#### **LITTLE COLORADO RIVER WATERSHED COORDINATING COUNCIL:**

- a) Report from Little Colorado River Watershed Coordinating Council Project Director: Supervisor DeSpain introduced Ronald Smith, Watershed Project Director, and discussed the talents he brings to this position. Mr. Smith conducted a Power Point presentation outlining the mission of this group and presented the proposed Watershed Management Plan for land use as related to water resources. He requested the support of Navajo County through an agreement. Supervisor DeSpain stated that through the budget process, consideration will be given to whether this can be funded, stating participation would be to the advantage of Navajo County residents. Supervisor Deal inquired why 48% of the watershed is under the jurisdiction of the Navajo, Hopi and Zuni tribes and they are not included in the funding level. Mr. Smith stated there are MOUs in place and the federal government is paying 50% of the cost which covers the tribes. Supervisor Deal suggested leaving the federal government funding there and offered his support in giving the tribes the opportunity to come in as full partners through funding. Mr. Smith stated this opportunity has been presented to the Tribes and the Hopi Tribe did provide a grant of \$20,000 several years ago. He said two weeks ago he received an MOU signed by the President of the Navajo Nation that offered support without attached funding. Chairman Thompson expressed his appreciation to Mr. Smith for the Council efforts.

Supervisor Tenney welcomed Mel West of Channel 4 who is filming throughout the meeting. Chairman Thompson advised those present that Navajo County will celebrate tomorrow's 111<sup>th</sup> birthday of the County at 1:30 p.m. in the Code Talker room.

- b) Consideration and possible appointment of J. R. DeSpain to the Little Colorado River Watershed Coordinating Council: **Supervisor Brownlow made a motion** to appoint J.R. DeSpain to the Little Colorado River Watershed Coordinating Council with Homero Vela acting as an alternate member; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

**SHERIFF'S OFFICE:** Consideration and possible authorization for the Sheriff's office to enter into a grant agreement with the US Department of Justice, Drug Enforcement Administration in the amount of \$5,000 for the 2006 Cannabis Eradication/Suppression program: Chief Greg Eavenson requested support of this grant agreement. **Supervisor Tenney made a motion** to authorize the Sheriff's office to enter into a grant agreement with the US Department of Justice, Drug Enforcement Administration in the amount of \$5,000 for the 2006 Cannabis Eradication/Suppression program; Supervisor Brownlow seconded the motion; vote unanimous approving the motion.

**NAVAJO COUNTY WIA: Consideration and possible approval of IGA with Apache County to form a Workforce partnership with Navajo County to be the administrative entity and fiscal agent for WIA grants and with one joint Workforce Investment Board:** Gail Sadler addressed the Board, stating that a partnership with Apache County would eliminate duplicated administrative duties. She stated the change would require forming one Workforce Investment Board comprised of members from both counties with Navajo County to be the fiscal agent. She said following approval by both counties there will be 30 days to allow public comment before submittal to the Governor for approval. **Supervisor DeSpain made a motion** to approve an IGA with Apache County to form a Workforce partnership with Navajo County to be the administrative entity and fiscal agent for WIA grants and with one joint Workforce Investment Board; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

**ELECTIONS: Canvass of Official Results of the Show Low Unified School District #10 Budget Override Election conducted March 14, 2006:** Kelly Dastrup reviewed the complete official results of this election advising the tallied votes were Budget Increase, Yes—508 and Budget Increase, No—518 resulting in a defeat by 10 votes. Supervisor Tenney stated the 13.9% voter turnout could be attributed to the recent snowfall and expressed regret that the measure was defeated. **Supervisor Tenney made a motion** to approve the canvas as presented; Supervisor DeSpain seconded the motion; vote unanimous approving the motion.

**BUILDINGS & GROUNDS: Consideration and possible approval to extend temporary employment of Facilities Maintenance Construction worker to the end of the budget year:** **Supervisor DeSpain made a motion** to approve extending the temporary employment of the Facilities Maintenance Construction worker to the end of the budget year; Supervisor Tenney seconded the motion. Mr. Deal inquired if funding is available and was told it is. Supervisor DeSpain inquired about the electrical outage and Mr. Slade advised that there was another issue over the weekend and they are addressing the repair to the generator that needs to happen to cover spikes and power failures. Vote unanimous approving the motion.

**HUMAN RESOURCES: Consideration and possible approval of Personnel Actions (Gail Calisen):** Gail Calisen reviewed her written report with the Board. **Supervisor Brownlow made a motion** to approve the Personnel Action report as presented; Supervisor DeSpain seconded the motion; vote unanimous approving the motion.

#### **FINANCE/PURCHASING:**

- a) **Consideration and possible approval of five-year renewal of lease agreement between Navajo County and the Town of Pinetop-Lakeside for lease of Justice Court facilities:** James Menlove discussed this lease with the Board. **Supervisor Brownlow made a motion** to approve the five-year renewal of lease agreement between Navajo County and the Town of Pinetop-Lakeside for lease of Justice Court facilities; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.
- b) **Discussion of Financial status report including fiscal year 2006-07 budget and annual audited financial statement:** James Menlove distributed a financial report for the general fund with expenditures by department through the month of February 2006. He reported the County is 67% through the year and some departments are shown to be in excess of that; some overages are attributable to health care costs and one-time expenses allocated early in the year. He reported he had met with Judge Nielson and Ms. Randall to discuss court revenues related to their expenditures. He reported that over-all in the County revenues are exceeding expenditures. Supervisor Tenney commented that revenues are up 5-12% and the County is below the expenditure budgeted amounts and he complimented Mr. Menlove's conservative approach. Mr. Menlove reported the 2003 financial statement audit is contracted to Walker/Armstrong and representatives from the Auditor General's office will be in the County next Monday to begin work on 2004 and 2005. He advised the Board of anticipated budget increases for the 2006-2007 year stating additional information will be provided during the budget process.
- c) **Consideration and possible approval to enter into Inter-Governmental Agreement with the City of**

Show Low for transfer of SLIF grant equipment: Mary Springer reported APS terminated the Cholla Lake lease due to lake conditions and the County had several assets there. She stated that after working with Lance Payette and the City of Show Low attorney, the proposed agreement was developed transferring docks and SLIF grant equipment. **Supervisor Tenney made a motion** to enter into an Inter-Governmental Agreement with the City of Show Low for the transfer of SLIF grant equipment; Supervisor Brownlow seconded the motion. Supervisor DeSpain stated they had finished the final inspection of Cholla Lake. He stated he appreciates the City of Show Low accepting the balance of the grant and expressed appreciation for Ms. Springer's hard work. Vote unanimous approving the motion.

- d) Consideration and possible award of Contract #B06-01-027 for hot asphaltic concrete pavement overlay: Mary Springer reported a request for bids was publicly advertised and they received three responsive bids with Hatch Construction being the low bidder. **Supervisor Tenney made a motion** to award Contract #B06-01-027 to Hatch Construction and Paving, Inc. for hot asphaltic concrete pavement overlay; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion.
- e) Report regarding the public auction of surplus equipment that was held on February 25, 2006: Mary Springer reported the auction of surplus equipment was successful and the proceeds were \$60,880 and with net proceeds being \$53,869. Chairman Thompson thanked Ms. Springer for her efforts on this project.
- f) Monthly review of Master Facility Planning: Mary Springer reviewed the Steering Committee goals. She reported FM Solutions has provided preliminary bench marking comparing us to other Counties with an initial finding that the square footage must be made more usable as it is too high per person. She stated that utilities for the County are higher than the average also. She advised the personnel survey is 100% complete and reviewed the strengths and weaknesses identified. She stated that a Technology Steering Committee has been formed to address future technology needs.

**BOARD BUSINESS:** Supervisors Brownlow and DeSpain reported on introduced bills and their progress through the legislature as well as their impact on the County. Supervisor Thompson reported he attended a transportation meeting last week with the Hopi Tribe and BIA to determine how to spend the one million dollars allocated by Congressman Renzi. He advised those funds will be spent for planning for Low Mountain Road. Supervisors Deal and Tenney discussed satellite imaging and reported their properties can not be located on that internet mapping.

At 12:08 a.m., **Supervisor Brownlow made a motion** to adjourn; motion seconded by Supervisor Tenney; vote unanimous approving the motion. At 1:30 p.m. Board members joined County employees and community members in the Code Talker Room for the Navajo County 111<sup>th</sup> birthday celebration. No official action was taken at this celebration.

**APPROVED:**

**DATE:**

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**Jesse Thompson, Chairman**

**ATTEST:**

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**Clerk/Deputy Clerk of the Board**