

**NAVAJO COUNTY BOARD OF SUPERVISORS MINUTES
TUESDAY, MARCH 13, 2007**

9:00 a.m. CALL TO ORDER: Supervisor Thompson led the Pledge of Allegiance and offered the invocation.

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

CALL TO THE PUBLIC: Penny Pew brought Congressman Renzi's greetings, reporting on his activities. Supervisor Thompson requested that Ms. Pew convey to the Congressman that many Native Americans live in remote areas without electricity and running water and that federal policies interfere when they try to get assistance on various programs that are available to others. He cited an example of a recent house fire where the family lost all they had and such regulations prevent offering assistance. Ms. Pew said she would convey this.

CONSENT AGENDA: These items are considered to be routine or administrative in nature and will be approved in a single motion. A Board member may request for any item to be removed from the consent agenda and considered on the regular agenda. a) Vouchers; b) Tax roll corrections; c) Sympathy letter to Emery La Barge; d) Sympathy letter Jacqueline Koon; e) Letter of congratulations to Ben Nuvamsa, newly elected Hopi Tribal Supervisor; f) Letter of congratulations to Ed Muder, newly appointed Show Low City Manager; g) Navajo County Employee Benefit Trust Wellness Program Services Agreement; h) Engagement agreement with Insurance Claims Auditing and Professional Services, Inc. for an on-site medical claim audit; i) Amendment to Department of Corrections Contract #070095DC for correctional officer certification training to extend it for four additional one year terms and that minor changes such as change of address, authorized signature or designee and contact information can be accomplished by written notice versus formal amendment; j) Renewal of DUI Task Force IGA with Department of Public Safety; k) Renewal of Undercover Plates for March 2007 to March 2008; l) Proclamation of April 15-21, 2007 as National Volunteer Week; m) Justice of the Peace reports: Holbrook #1 November, December; Winslow #2 December; Snowflake #3 December; Kayenta #4 December; Show Low #5 December; Pinetop #6 December; n) Constable Reports: Holbrook #1 December; Winslow #2 December; Show Low #5 December, January; Pinetop #6 November, December; o) Juvenile Justice System January report; p) Clerk of the Superior Court December report; q) Appointment request by Navajo County Republican Party Committee of Precinct Committeemen: Carl R. Cole, Shirley S. Cole, Kathryn S. Udall, Keith J. Baldwin, Ross Lee Tyler, and Doris Ann Tyler; r) Name an existing road in the Pinedale area "Crest Path" in Section 1, Township 10 N, Range 20 E; s) Name an existing road in the Pinedale area "Tosca Place" in Section 24, Township 11 N, Range 19 E; t) Name an existing road in the Pinedale area "Tosca Circle" in Section 24, Township 11 N, Range 19 E: **Supervisor Brownlow made a motion** to approve the Consent Agenda and authorize the Chairman to sign those items; motion seconded by Supervisor Thompson; vote unanimous approving the motion with Supervisor DeSpain absent for the vote.

HUMAN RESOURCES: Consideration and possible approval of Personnel Actions: Gail Calisen reviewed the 84 personnel actions on the written report. **Supervisor Thompson made a motion** to approve the Personnel Action report as presented; motion seconded by Supervisor Brownlow. Supervisor Deal requested that Human Resources track benefits the county might receive as a result of the positions that were increased in pay last month and report to the board in 90 days. He suggested the board should hear more about item 65 later in the meeting. Vote unanimous approving the motion with Supervisor DeSpain absent for the vote.

BOARD OF SUPERVISORS: Presentation of plaque in appreciation to Jack Latham for service to the Board of Supervisors: Supervisor Tenney stated that the Board has appreciated their relationship with Congressman Renzi over the last few years and believes that an important contributing factor to that positive relationship is Jack Latham's communication to Congressman Renzi of the county's needs. He presented a plaque showing the board's appreciation to Mr. Latham. Jack Latham thanked the Board for this plaque and distributed a pocket Constitution to each of the supervisors. He advised that he is joining about 1500 veterans next week who are going to Washington D.C. to surround the Viet Nam wall to protect it against war protestors during a planned protest.

Mr. Latham stated that a WIA item coming up on agenda later today has been carefully considered by the Workforce Investment Board for two years. He urged the Board to favorably consider the WIA proposal.

ELECTIONS:

- a) Consideration and possible approval of Resolution Number _____ - 07 cancelling the election for one position to the Board of Directors of the White Mountain Lake Special Road District #2 scheduled for May 15, 2007 and declaring the position vacant as there were no candidate filings for the position as of the statutory deadline: Kelly Dastrup discussed the proposed action. **Supervisor Thompson made motion** to adopt **Resolution Number 15 - 07** cancelling the election for one position to the Board of Directors of the White Mountain Lake Special Road District #2 scheduled for May 15, 2007 and declaring the position vacant as there were no candidate filings for the position as of the statutory deadline; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- b) Consideration and possible approval of Resolution Number _____ - 07 cancelling the election for the White Mountain Summer Home Domestic Water Improvement District scheduled for May 15, 2007 and appointing John E. Miller, Jr. and Grant Jorgenson to the Board of Directors as the only candidates filing nominating papers for the two vacant positions: Kelly Dastrup discussed the proposed action. **Supervisor Brownlow made a motion** to approve **Resolution Number 16 - 07** cancelling the election for the White Mountain Summer Home Domestic Water Improvement District scheduled for May 15, 2007. In addition, appointing John E. Miller, Jr. and Grant Jorgenson to the Board of Directors as the only candidates filing nominating papers for the two vacant positions. Motion seconded by Supervisor Thompson; vote unanimous approving the motion with Supervisor DeSpain absent for the vote
- c) Consideration and possible approval of Resolution Number _____ - 07 cancelling the election for the Pinedale Domestic Water Improvement District scheduled for May 15, 2007 and appointing G. Scott West and Russell S. Wahl to the Board of Directors as the only candidates filing nominating papers for the two vacant positions: Kelly Dastrup advised this action is an effort to move this board toward a full five member board on an election status. **Supervisor Thompson made a motion** to adopt **Resolution Number 17 - 07** cancelling the election for the Pinedale Domestic Water Improvement District scheduled for May 15, 2007 and appointing G. Scott West and Russell S. Wahl to the Board of Directors as the only candidates filing nominating papers for the two vacant positions; motion seconded by Supervisor Brownlow; vote unanimous approving the motion with Supervisor DeSpain absent for the vote.
- d) Consideration and possible approval of Resolution Number _____ - 07 cancelling the Board of Directors' election for three positions to the Timberland Acres Special Road District #1 scheduled for May 15, 2007 and appointing Barbara Ann Miller, Robert (Bob) Adler, and Caiaphas (CD) Nunnally to these positions: Kelly Dastrup advised there has been a request to reconsider cancelling this Board of Directors' election as the board has a question on the ballot that the people must vote on regarding their tax levy. She stated that a factor to consider in cancelling an election is the cost

savings but since there is a required election for another issue there would be no financial benefit in cancelling the Board of Directors' election. She reported that the district board made a decision to expand their membership to a five member board. Mel Bowers advised it is appropriate for the district board to conduct this election as the election would serve an informational purpose. Supervisor Deal inquired if the Board of Directors of any improvement district has the authority to change the number on the board and Mel Bowers stated they do. No action was taken on this item.

Kelly Dastrup advised the board that she is leaving the county since her husband accepted a position in another county. Supervisor Deal told Kelly he appreciates the job she has done at the county, especially as related to the difficult question of ID at the polls. All supervisors thanked Kelly Dastrup for her service to the county and wished her well.

COUNTY ATTORNEY: Consideration and possible acceptance of the Agreement for Professional Services between Navajo County, the Navajo County Attorney's office and North Country Community Health Center, Inc. providing for medical examinations for Navajo County victims of sexual assaults and dangerous crimes against children: County Attorney Mel Bowers discussed the requirement for the county to provide these services and the need for this agreement since the previous provider was bought out by North Country Community Health Center. **Supervisor Deal made a motion** to approve the agreement for professional services between Navajo County, the Navajo County Attorney's office and North Country Community Health Center, Inc. providing for medical examinations for Navajo County victims of sexual assaults and dangerous crimes against children; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

WIA: Consideration and possible acceptance of recommendation of the Workforce Investment Board and give notice to the Gila County REPAC Consortium, which delivers WIA services to dislocated workers in Navajo County, of the intention to withdraw from the REPAC Consortium: Gail Sadler advised that the proposal to give notice to Gila County's REPAC Consortium is the recommendation of the Executive Board and Workforce Investment Board. She reviewed the make-up of the consortium and advised that the remote areas of Apache and Navajo County are not being adequately served under this agreement. She advised that REPAC has provided expenditure reports but the numbers of people being served has dropped rather than increased after the board put them on notice a year ago that the board wants increased services. Supervisor DeSpain complimented Gail Sadler on the work she does for both counties, representing the county at NACOG meetings and state wide meetings. **Supervisor DeSpain made a motion** to accept the recommendation of the Workforce Investment Board and give notice to the Gila County REPAC Consortium, which delivers WIA services to dislocated workers in Navajo County, of the intention to withdraw from the REPAC Consortium; motion seconded by Supervisor Brownlow. Supervisor Deal inquired about the source of funding to the 19 tribes listed and Ms. Sadler advised the consortium receives appropriations directly from the state for the 19 tribes. She advised that the Navajo Nation delivers their own program with funds received from the Department of Labor, stating she will provide funding information to Supervisor Deal. Vote unanimous approving the motion.

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT: Board of Directors' Session: **Supervisor DeSpain made a motion** to enter into the Navajo County Public Health Services District **Board of Directors' Session**; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. It was noted that health district staff were not present. **Supervisor Brownlow made a motion** to reconvene the regular session; motion seconded by Supervisor DeSpain; vote unanimous approving the motion. Dr. Kartchner entered and apologized for his lateness due to train traffic. **Supervisor DeSpain made a motion** to enter into the Navajo County Public Health Services District **Board of**

Directors' Session; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

- a) Consideration and possible approval of IGA Contract #HG752213 with Arizona Department of Health Services, Proposition 201 Smoke-Free Arizona Act: Dr. Wade Kartchner advised this agreement delegates to the county the enforcement, compliance and education component to implement Proposition 201. In response to questions from Supervisors, Dr. Kartchner advised: the county health department collaborates with non-profit organizations that provide education; enforcement of this proposition will be done on a complaint basis; the process will include the county investigating the complaint, discussing rights with businesses and citing business owners as needed; there are thousands of establishments that must be posted and education must take place; and the district may have to hire another sanitarian to address this. He clarified this proposition is not applicable to the reservations but may be handled similar to the tobacco education program where education takes place on the reservation. Supervisor Thompson inquired what the buffer zone is and Dr. Kartchner advised that the rule making process is just finishing and it appears the buffer zone will be no smoking within 15 feet of the establishment. **Supervisor Deal made a motion** to approve IGA Contract #HG752213 with Arizona Department of Health Services, Proposition 201 Smoke-Free Arizona Act; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- b) Consideration and possible approval of Amendment #2 to Contract #HG361280 with the Arizona Department of Health Services for Folic Acid Services for 3/1/2007 to 6/30/2007 in the amount of \$7,500.00: Mary Tyler discussed this amendment and requested approval. **Supervisor DeSpain made a motion** to approve Amendment #2 to Contract #HG361280 with the Arizona Department of Health Services for Folic Acid Services for 3/1/2007 to 6/30/2007 in the amount of \$7,500.00; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

Supervisor DeSpain made a motion to return to regular session; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

FINANCE/PURCHASING:

- a) Consideration and possible authorization to award contract to Empire Machinery for a new Wheel Loader IFB B06-11-029: Mary Springer advised three bids were received but only Empire Machinery met all three requirements. In response to a question from Supervisor Thompson, Dusty Parsons advised that the amount of the award should be \$223,935.74 to include tax. **Supervisor Thompson made a motion** to award a contract to Empire Machinery in the amount of \$223,935.74 for a new Wheel Loader IFB B06-11-029; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- b) Consideration and possible authorization to award contract to Creative Communications for IFB B07-020-001 Mobile Command Post: Steve Ebert addressed the board advising that this system is a mobile command system that can go on site during a disaster and be totally functional, independent of the Sheriff's office. He advised this project was budgeted to be divided equally between local dispatch reimbursement fund (7155) and federal detention funding (7376). In response to Supervisor Brownlow's request for a justification of using 7376 funding when there are critical needs at the jail, Chief Eavenson advised that \$100,000 is in the budget for repairs to the jail. He discussed funding streams and their dedication and projects that are financed through each fund. It was discussed there is a need to have a mobile command post in the event of another disaster. **Supervisor Brownlow made a motion** to award a contract to Creative Communications for IFB B07-020-001 Mobile Command Post for \$52,038.82; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.
- c) Consideration and possible authorization to award a contract to FM Solutions for the design and engineering of the replacement domestic water storage tanks at the Holbrook Complex: Mary Springer advised the existing storage tanks at the complex are in danger of failure and their

replacements are budgeted. She advised this is the first step in that replacement process. **Supervisor Deal made a motion** to award a contract to FM Solutions for the design and engineering of the replacement of domestic water storage tanks at the Holbrook Complex; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

- d) Consideration and possible authorization to award a contract to FM Solutions for the architectural, engineering and project management of the new Mogollon Complex in Heber/Overgaard area: Mary Springer advised this proposed action is part of the plan for a more cost effective way for the county to provide constituents in remote areas all county services at one site. Supervisor Tenney stated this proposal falls in line with what the board told voters they would strive to do under Prop 400. **Supervisor Brownlow made a motion** to approve awarding a contract to FM Solutions for the architectural, engineering and project management of the new Mogollon Complex in Heber/Overgaard area; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.
- e) Consideration and possible authorization to award a contract to FM Solutions for the architectural, engineering and project management of the Sheriff's sub-station in Taylor, AZ: Mary Springer advised ADOT has notified the Sheriff that they need the site he currently occupies and further stated the NATC site is suitable for this substation. Supervisor Tenney advised that NATC intends to eventually have a full command center. **Supervisor DeSpain made a motion** to award a contract to FM Solutions for the architectural, engineering and project management of the Sheriff's sub-station in Taylor, AZ; motion seconded by Supervisor Thompson; vote unanimous approving the motion.
- f) Consideration and possible authorization to award contract to SRM Engineering for professional services to survey Billy Creek and identify boundaries: Mary Springer advised this property is leased by the Town of Pinetop-Lakeside and the boundary markers have been obliterated. She stated the Town of Pinetop has agreed to reimburse the county for 50% of the cost of the survey and that SRM is the low bidder. **Supervisor DeSpain made a motion** to award a contract to SRM Engineering for professional services to survey Billy Creek and identify boundaries; motion seconded by Supervisor Brownlow. Supervisor Brownlow advised there have been encroachment issues on this property by adjoining property owners. Vote unanimous approving the motion.
- g) Consideration and possible determination that the surplus flagpole in Kayenta near the Township office building has little or no value to the county and donate this item to the Navajo Nation for their Kayenta Outpatient Treatment Center: Mary Springer advised the county received a letter from the Kayenta Outpatient Treatment Center requesting this flagpole that is no longer used by the county. **Supervisor Deal made a motion** to acknowledge that the surplus flagpole in Kayenta near the Township office building has little or no value to the county and authorize donation of this item to the Navajo Nation for their Kayenta Outpatient Treatment Center; motion seconded by Supervisor Thompson. Supervisor Deal inquired if the Nation would remove the flagpole and Mary Springer stated they had agreed to remove it and restore the ground to its original condition. Vote unanimous approving the motion.
- h) Discussion of authorization for County Manager to:
- i. Award and sign contracts on behalf of the board of Supervisors for items under \$50,000 that have already been approved through the annual budget process, including professional service contracts and
 - ii. Sign contracts as part of routine contract maintenance for items previously approved by the Board of Supervisors with such contracts to include but not limited to health care and wellness programs
- Mary Springer advised that if the county manager were authorized to sign routine contracts, county business could be expedited. She said the Chief Deputy County Attorney is willing to draft a resolution for this authorization that would permit the manager to sign contracts for items

previously approved by the Board of Supervisors with such contracts to include but not be limited to health care and wellness programs. Supervisor Tenney remarked that this action would be in line with other action the board has taken where purchases were made if the items were previously approved during the budget process. Mel Bowers advised this action is appropriate within the law and believes items of \$50,000 or less that were previously approved or normal operating items could be included in this authorization. He stated that Lance Payette will take the direction of the board and draft a resolution. Supervisors discussed this issue, stating that it made operational sense. Mary Springer discussed the purchasing process used when contracts are involved. Supervisor Deal advised he is supportive of this process but requests a provision that the county manager would report back at the next board meeting when he signed contracts or authorized services. Mel Bowers discussed the contract for medical services on this agenda where a service is statutorily required, the contract is advantageous to the county and the service was budgeted as an example of when the county manager could sign the contract without taking up time on an agenda. In response to a question from Supervisor Deal regarding the \$50,000 limit, Ms. Springer advised that is the threshold where she has to go out to public bid. Supervisor Tenney requested that a resolution come back to the board.

PUBLIC WORKS:

- a) Consideration and possible approval of a professional services contract with Ironside Engineering & Development, Inc. for the engineering services for Bucking Horse Improvement District: **Supervisor Brownlow made a motion** to go into the Bucking Horse Improvement District; motion seconded by Supervisor DeSpain; vote unanimous approving the motion. Dusty Parsons advised this district was approved a few months ago and the committee to review qualifications for engineering services for the district selected Ironside Engineering & Development, Inc. to provide engineering services. **Supervisor Brownlow made a motion** to approve a professional services contract with Ironside Engineering & Development, Inc. for the engineering services for Bucking Horse Improvement District; motion seconded by Supervisor DeSpain. Supervisor DeSpain and Supervisor Deal requested and received clarification regarding the payment process. Vote unanimous approving the motion. **Supervisor DeSpain made a motion** to return to regular session; motion seconded by Supervisor Thompson; vote unanimous approving the motion.
- b) Consideration and possible approval of funding vehicle operating expenses from District III LTAF II funds for Bread of Life Mission: Dusty Parsons discussed the Bread of Life Mission request for vehicle operating expenses. **Supervisor Deal made a motion** to approve funding vehicle operating expenses from District III LTAF II funds for Bread of Life Mission not to exceed \$4,603.70; motion seconded by Supervisor Thompson. Supervisor DeSpain thanked the board and staff for their assistance in this project. Vote unanimous approving the motion.
- c) Consideration and possible approval of **Resolution Number - 07** to convey to the City of Show Low APN#210-16-125 upon which the “Old Show Low Jail” is located: Carol Fraley advised she had received a request from the City of Show Low for the conveyance of this property that is 0.20 acres. Supervisor Tenney advised the county is limited in their use of that parcel and the city is willing to take over the ownership. **Supervisor DeSpain made a motion** to approve **Resolution Number 18 - 07** to convey to the City of Show Low APN#210-16-125 upon which the “Old Show Low Jail” is located; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- d) Consideration and possible approval of **Resolution Number - 07** to accept Rim Road from Pioneer Lane to Rim Spur and accept Rim Spur into the county road maintenance system: Carol Fraley located this road on a site map, advised the road would add a total of 0.68 miles to the county maintenance road system and stated the request for the acceptance of this road is supported by residents. Dusty Parsons advised the county currently maintains the road surrounding this length of

road. **Supervisor Brownlow made a motion** to adopt **Resolution Number 19 - 07** to accept Rim Road from Pioneer Lane to Rim Spur and accept Rim Spur into the county road maintenance system; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

- e) **Victory Heights Road Maintenance District Board of Directors' Session:** **Supervisor Thompson made a motion** to enter into the Victory Heights Road Maintenance District **Board of Directors' Session**; motion seconded by Supervisor Thompson; vote unanimous approving the motion.
- i. **Consideration and possible approval to go to bid for the maintenance in the Victory Heights Road Maintenance District:** Carol Fraley advised this is a maintenance only district that would go out to bid for a contractor to ultimately provide maintenance services within the district budget. **Supervisor Brownlow made a motion** to go to bid for road maintenance in the Victory Heights Road Maintenance District; motion seconded by Supervisor Deal; vote unanimous with Supervisor DeSpain absent for the vote.
 - ii. **Consideration and possible approval to start the application process for an Advisory Committee for this district:** **Supervisor Brownlow made a motion** to start the application process for an Advisory Committee for the district; motion seconded by Supervisor Deal; vote unanimous approving the motion.

Supervisor Thompson made a motion to go back into regular session; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

- f) **Navajo County Flood Control District Board of Directors' Session:** **Supervisor DeSpain made a motion** to enter into the Navajo County Flood Control **Board of Directors'** session; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.
- i. **Consideration and possible approval to sign the response letter to the Community Rating System Audit Letter:** Homero Vela advised that this letter is a result of a recent audit and all areas have been addressed. Mr. Vela responded to questions from the Supervisors, discussing how homes are impacted, and reported the County rating is a nine which will improve as measures are taken to provide safer communities. **Supervisor DeSpain made a motion** to authorize the signature of the response letter to the Community Rating System Audit Letter; motion seconded by Supervisor Thompson; vote unanimous approving the motion.
 - ii. **Consideration and possible approval of Resolution Number - 07 to support the City of Winslow in its effort to re-certify levees as required by FEMA and the Map Modernization Program:** Homero Vela introduced Mark Woodson, who is the City of Winslow and Holbrook engineer, and Dick Young, Public Works Director for City of Holbrook. Mr. Vela discussed the Ruby Wash Diversion Levee resolution which would assure that the county will cooperate with the cities and the Army Corps in the recertification process for this levee. In response to a question from Supervisor DeSpain, Homero Vela reviewed the recertification process for the Winslow Levee and the Ruby Wash levee. He advised that it is hoped that the Corps will assist with this process but if they cannot assist, they may request a letter from an independent engineering firm that the Corps will review. He reported the local governments have a two year time frame to certify levees or else properties protected by them will fall back into a flood plain designation. **Supervisor DeSpain made a motion** to approve **Resolution Number 22 - 07** to support the City of Winslow in its effort to re-certify levees as required by FEMA and the Map Modernization Program; motion seconded by Supervisor Thompson with a request for a timetable to be submitted at a later date. Mr. Vela said he would come back to a future meeting with all DFIRM timelines. Vote unanimous approving the motion.
 - iii. **Consideration and possible approval of Resolution Number - 07 to support the City of Holbrook in its effort to re-certify levees as required by FEMA and the Map Modernization Program:** Homero Vela explained this proposed action is similar to the previous request. Richard Young advised that the City of Holbrook has submitted a letter to the Corps requesting their assistance in re-certification and requested that they provide any documentation they may have for this

levee to the city. **Supervisor DeSpain made a motion** to approve **Resolution Number 23 - 07** to support the City of Holbrook in its effort to re-certify levees as required by FEMA and the Map Modernization Program; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

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

g) **Woodland Villas Public Hearings**

- i. Consideration and possible approval by **Resolution Number - 07** of a Zone Change request by PTLIS 74, LLC, from Commercial-Residential Zoning to Special Development Zoning for APN 212-32-074 in Township 9 North, Range 22 East, Section 26 in the Lakeside area: Telford Chapman displayed a site map to orient the board to this parcel site. He advised they had received several letters of concern regarding the flooding situation that Homero Vela will address and that staff and the Planning Commission recommend approval as outlined in the resolution. In response to a question from Supervisor Thompson regarding concerns addressed during the Planning and Zoning hearing, Mr. Chapman advised most concerns were regarding drainage and flooding on parcels in the Rainbow Lake subdivision. During discussion and in response to questions, Homero Vela advised: the development is not in a FEMA flood plain; the Rainbow Lake development and other developments upstream contribute to the flooding issue; last summer there was a significant flooding event; a lot of water runs down Lee Reece Drive and the department has taken action to alleviate the flooding situation that included replacing culverts. He stated that residents have expressed eye witness accounts regarding ponding in this development prior to the construction of Woodland Road. He discussed methods to alleviate flooding and that they will calculate the ponding that existed before Woodland Road construction and ask the developer to capture drainage equal to that, stating that the standard practice in Navajo County is a 50-year detention basin and in this case they are requesting 100 year retention. Tildon Wilbur, a local resident, stated he witnessed flooding not ponding and distributed pictures. He said the water comes to his property from the city side but he was told that there is an agreement that the county will handle this water flow. He discussed advice he had received that it was illegal to change the flow of the water and expressed concern that 47 new roof tops will increase the problem. He advised that the water run off creates resulting pollution in Rainbow Lake and this could be alleviated through piping the water. He stated that if the Board approves this subdivision without correcting the flooding problem, there will be law suits and requested that the board not move forward with approval.

Supervisor Tenney welcomed Honorable Attorney General Terry Goddard who entered at this time.

Gail Hart, a local resident, addressed the board advising that the flooding pictures were hers and that this flooding occurs every time it rains and when there is a snow melt; that it very seldom dries out. She stated the drainage from Woodland Road and the theatre go onto lots creating health concerns, flooding, mold, standing water, and basement flooding. She displayed a map showing the floodway that creates a channel and inquired where the detention basin will empty. She requested that until the county or developer come up with a responsible drainage plan that they put development on hold. Bill Fraley advised the Board that they are not being asked to approve construction as that will come before them at a later date; that they are being asked to approve a zone change and a master development site plan. Supervisor Brownlow reported he had been to the property with residents and described flooding he had witnessed, stating that the flooding pattern has changed since the work on Woodland Road with the drainage coming off the city side. He advised that today's action is to approve a zone change and plan and before

approval for construction will be given, the developer must provide a drainage plan. He emphasized the residents will have the problem with or without this development but the developer must come in with a plan where flooding will be addressed. Dusty Parsons stated he talked with the city and reviewed drainage agreements and that the residents are correct that the city theatre and court developments exacerbated the problem. He said it should be kept in mind that the property is currently zoned commercial and if a developer had developed commercially he would not have had to do anything but if it is developed with a special use permit the county can control drainage issues. He stated this developer has demonstrated willingness to help solve the problem and staff will work very hard to alleviate some of the problems. He emphasized there is no guarantee because when there are four or five inches of rain there is flooding in this county. Supervisor Tenney acknowledged there is an obvious flooding problem and stated that the lack of organized development on that parcel is a contributor to that. He said that while they can not solve the problem completely, the conditions imposed by Planning and Zoning would help to mitigate the problem. He said he sees the required drainage study as a positive action to help Mr. Wilbur and Ms. Hart achieve what they want. **Supervisor Brownlow made a motion** to approve **Resolution Number 20 - 07** for a Zone Change request by PTL5 74, LLC, from Commercial-Residential Zoning to Special Development Zoning for APN 212-32-074 in Township 9 North, Range 22 East, Section 26 in the Lakeside area; motion seconded by Supervisor DeSpain. Supervisor Deal stated that this resolution reads “shall” and the next resolution to be considered reads “should” and that both resolutions related to this development should be changed to read “shall”. Vote unanimous approving the motion.

- ii. Consideration and possible approval by **Resolution Number - 07** of a Master Development Site Plan for the proposed “Woodland Villas” Development for APN 212-32-074 in Township 9 North, Range 22 East, Section 26 in the Lakeside area: **Supervisor DeSpain made a motion** to approve by **Resolution Number 21 - 07** a Master Development Site Plan for the proposed “Woodland Villas” Development for APN 212-32-074 in Township 9 North, Range 22 East, Section 26 in the Lakeside area to include amending it to read “shall” instead of “should” in stipulation number 2; motion seconded by Supervisor Brownlow requesting that the developer attend the next hearing. Dusty Parsons advised that the developer will also meet with residents. Vote unanimous approving the motion.

THE HONORABLE ATTORNEY GENERAL TERRY GODDARD: Presentation to the board by Attorney General Terry Goddard: Supervisors welcomed Attorney General Goddard to the meeting. Attorney General Goddard discussed partnership programs between Navajo County and the state, expressing appreciation for the board’s support in combating meth issues in the state. He discussed the meth abuse prevention activities on a state-wide basis and complimented the Navajo County Community Coalition for their education efforts. He thanked Supervisor Thompson for his participation at the State level. He distributed educational materials on the meth problem.

Mr. Goddard reported he will be in Winslow later today talking about what kids are doing on-line, discussing “MySpace.com” issues and warning that there are problems with sexual predators victimizing kids they see on-line. He stated that kids also use the anonymity of the internet to make racial slurs that then turn into real MySpace problems.

Mr. Goddard discussed the top 10 consumer scams, distributed a consumer booklet that is revised each year as targets change, and discussed resources for assistance when confronted with a scam or theft. He stated that they hope to open a satellite office in Winslow as they are doing across the State with volunteers trained to answer critical questions.

Supervisors Thompson expressed concern about the impact of meth on the reservation and future funding for anti-meth activities. He discussed difficulties in getting more educational information about meth on the reservation as telephones are not available in all areas of the reservation. Terry Goddard agreed that communication on the reservation is a large issue and acknowledged the meth problems in Navajo County. He discussed the success of the Montana Meth program and agreed with Supervisor Thompson's concern about funding continuation, stating funding may have to be shifted to the private sector. Supervisor Deal expressed appreciation to Mr. Goddard for visiting the county and discussing these issues. He discussed the recently held meth education conference in Pinon with over 500 adult and 500 student participants, where they covered a number of subjects related to meth issues. He emphasized the importance of assuring that both sides of the reservation line have the same level of funding to combat this problem, discussing funding inequities. He encouraged the Attorney General to set up a sub office in Winslow as soon as possible and facilitate establishing partnerships to work for the benefit of the tribes not only in the meth area but in the other problem areas that Attorney General Goddard had cited. Attorney General Goddard expressed his pleasure at seeing Mr. Deal again at this meeting as they had worked together on issues over the years. He discussed a recent meeting with President Shirley about the meth issue. All Supervisors expressed appreciation for Attorney General Goddard's visit.

The Board recessed for lunch at 12:18 p.m. and reconvened at 1:10 with all present as previously listed with the exception of Mel Bowers, County Attorney.

FINANCE

i) Consideration and possible approval of priority list for CDBG project funding: Consideration and possible approval of priority list for CDBG project funding: Randy Sullivan reported that this listing is being presented for determination of priority, advising that Supervisors can allocate the entire \$100,000 per district rather than the originally considered \$80,000 per district. He advised that NACOG's administration fee would a total of \$5,000 except in the case that they administer a rehabilitation project and that fee would 20%. He reported that it is the intention of the county to administer NACOG rehabilitation projects. He described each project that is eligible, what those projects entail, and actions the entity must take to assure funding. He advised that if a district's projects do not utilize the entire \$100,000, the remaining funding can be used for rehabilitation. He advised four projects did not meet eligibility qualifications so are not recommended for prioritization:

- Silver Lake Estates
- Rim Country Library
- White Mountain Lake Association
- Yellow Jacket Youth Centers

Supervisor Deal expressed concern that Hardrock Chapter's request for the relocation of a modular building was not on the list as he had thought Finance was putting a description together that would serve as the application. Supervisor Brownlow advised that Whiteriver Homeless Shelter should also have been included. It was determined that these projects had been included in the public hearing and could still be submitted for consideration if the board determined they wanted to include them in this process.

Supervisors posed questions regarding eligibility and were responded to by Randy Sullivan and Margaret Keener:

- No project can be used for the general conduct of government to the extent that it is funded by

CDBG; however a program such as an Indian Wells' education and training project for the public that was funded by the government is allowed.

- The Hardrock Chapter project would be allowable as its main use would be of general benefit to the youth of the community.
- If an entity is provided funding for a portion of a project they must demonstrate they have sufficient funding or means to finish that project.
- The priority listing must be reported as complete by March 15th as applications must be submitted by April 16th to NACOG and to the State at the end of May.

David Bunker, a resident of White Mountain Lake, read a letter of denial he had received for the White Mountain Lake project, stating it is impossible to meet the requirements to conduct an income survey as outlined in the letter requiring salary information, W-2s and paycheck documentation. Margaret Keener advised this information was in error that the income survey can be self declared without the requirement of W-2s and paychecks and 51% of everyone surveyed would have to income qualify. Randy Sullivan apologized for the misinformation that went to Mr. Bunker resulting from his unfamiliarity with this process. Mr. Bunker emphasized that from the very beginning they were told that census data would be used to determine age and income distribution and he followed that advice accumulating a huge amount of data. He said that after using that information they were then told they didn't qualify. Supervisor Tenney inquired if they were able to complete a further survey to determine eligibility if they would actually find that 51% of the people living in the community are below that financial benchmark. Ms. Keener advised the state has a format for putting out a survey and the methodology must be approved by the State; advising that the largest part of the project is going to individual homes to gather the information. Supervisor Tenney apologized for the misunderstanding and advised that regardless of fault either the community would qualify under that salary income/benchmark or it would not. Mr. Bunker advised it was the intention of the project to only include the residents in the area known as the Silver Creek corridor since the newer subdivisions will have their own facilities. Mr. Bunker stated he could not meet an April 16th deadline and again Mr. Sullivan apologized for the misunderstanding.

The priority listing was delineated as follows:

District I

- 70% to housing rehab for all of the District I area
- 30% to Hardrock Chapter for relocation of a building

District II

- 30% to the Indian Wells project
- 30% to the Teesto project
- 40% for home renovations

Supervisor Thompson requested a meeting with Randy Sullivan and representatives of chapters to further consider this priority list.

District III

- \$30,000 Snowflake Academy Foundation
- \$60,000 Navajo County Fairgrounds handicap restrooms and parking
- \$10,000 rehab

District IV

- \$30,000 Snowflake Academy Foundation

- \$60,000 Rim Country Senior Center
- \$10,000 for rehab or budget overruns

District V

- \$20,000 Pinetop Lakeside Senior Center
- \$50,000 Whiteriver Homeless Shelter
- \$30,000 Owner rehab will roll any left over into rehab

Supervisor DeSpain inquired what happens when a project falls out and Ms. Keener advised that if something falls out, they may have to come back to the board for re-allocation and that can be done administratively. Supervisor Thompson stated that a lot of homes on the reservation are not big buildings and inquired if they underwent rehab how that would be handled and Ms. Keener said that replacement is allowed under rehab.

James Menlove advised the board that Randy Sullivan will continue to do the accounting paperwork and Mary Springer will oversee the rehab portion of those projects. He encouraged that, as the board encounters questions or requests for meetings, that they include Ms. Springer in that process.

Supervisor Thompson thanked Mary Springer and Randy Sullivan for their participation in a meeting in Teesto where members of communities in adjacent areas met for CDBG projects with the Department of Housing.

ADJOURN: At 2:50 p.m. **Supervisor Brownlow motion** to adjourn; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

APPROVED:

DATE:

David Tenney, Chairman

ATTEST:

Clerk of the Board