

NAVAJO COUNTY BOARD OF SUPERVISORS MINUTES
TUESDAY, MAY 15, 2007

9:03 a.m. Call To Order: Chairman Tenney 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: No response

CONSENT AGENDA: a) Vouchers; b) Tax roll corrections; c) Letter of sympathy for Mr. Jack Brooks; d) Name an existing road in the Heber/Overgaard area "Thunderbird Circle" in Section 28, Township 12 North, Range 17 East; e) Name an existing road in the Show Low area "Fern Way" in Section 10, Township 10 North, Range 21 East; f) Name an existing road in the Pinetop Lakeside area "Miramon Drive" in Section 24, Township 09 North, Range 22 East; g) Appoint Democratic Precinct Committee Persons: Jerome W. Helm; Larry E. Wallen; Lillian Parish Wallen; Margaret A. Bobbitt; h) Renewal of agreement for commissions for calls placed from the Navajo County detention facility with FSH Communications until August 1, 2009; i) Minutes: February 20, March 13 and March 20; j) Constable Reports: Holbrook #1 March, April; Winslow #2 January, March, April; Snowflake Precinct #3 February; Show Low #5 February, March, April; Pinetop #6 March, April; k) Justice of the Peace Reports: Holbrook #1 February, March; Winslow #2 March; Snowflake #3 February, March, April; Kayenta #4 February, March; Show Low #5 February, March, April; Pinetop #6 March; l) Juvenile Justice System Report February, March, April; m) Clerk of the Superior Court Report January, February, March, April **Supervisor DeSpain made a motion** to approve the Consent Agenda as printed and authorize the Chairman to sign those documents; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

HUMAN RESOURCES: Consideration and possible approval of Personnel Actions: Shalice Cook reviewed the 75 items on the written Personnel Action report advising that the detention and probation adjustment come as a result of a study conducted on these salaries in consultation with Judge Nielson and his staff. Supervisor DeSpain thanked staff who took the time to work with Superior Court to review the status of the probation department and make these recommendations. **Supervisor DeSpain made a motion** to approve the Personnel Action Report as presented and authorize the Chairman to sign those documents; motion seconded by Supervisor Brownlow. Supervisor Brownlow pointed out that Greg Eavenson is retiring after 13 years of service to the county and that the county will miss him. Supervisor Deal requested and received clarification of Supervisor DeSpain's comments with James Jayne advising the salary study process has been worked on over a period of time in a process similar to the attorney and Sheriff's office equity study. Shalice Cook requested that item #18, a reclassification be removed. Supervisor DeSpain amended his motion to exclude item #18; Supervisor Brownlow amended his second. 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 Thompson; vote unanimous approving the motion.

- a. Invitation to the Women's Health Expo on May 17, 2007: Mary Tyler recognized Rosie Sekayumtewa for her planning efforts for this event. Ms. Sekayumtewa addressed the board outlining several activities at this event, inviting all members of the public.
- b. **CONSENT AGENDA:** **Supervisor DeSpain made a motion** to approve the Consent Agenda for the Health District as presented; motion seconded by Supervisor Thompson; vote unanimous approving the motion.
 - i. Amendment #8 to Contract #HG354355 for Tobacco Education and Prevention Services

- ii. Contract with Northern Arizona Council of Governments Head Start Program to continue the program until May 31, 2009

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

ASSESSOR/TREASURER: Consideration and possible approval to authorize the removal of uncollectible taxes for equipment from the tax roll as per A.R.S. 42-19118: Treasurer Manny Hernandez reviewed this process as a joint effort with the Assessor in consultation with the County Attorney. He advised that the equipment listed has not been in existence on the property since 1997 when the new owner of Alarm Lock and Key bought the property and brought in new equipment for which he is being taxed. **Supervisor DeSpain made a motion** to authorize the removal of uncollectible taxes for equipment from the tax roll as per A.R.S. 42-18351; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

TOWN OF PINETOP LAKESIDE: Consideration and possible approval of **Resolution Number _____ - 07** endorsing and supporting the Town of Pinetop-Lakeside's grant proposal to the Arizona Water Protection Fund Commission for the leased county property known as Billy Creek Natural area: Mary French Jones, Town of Pinetop-Lakeside Grant Coordinator, advised that as a property owner the County is being requested to support this grant that will include burial removal and stream bank restoration. Supervisor Brownlow thanked James Jayne for his leadership in this project. **Supervisor Brownlow made a motion** to approve **Resolution Number 42- 07** endorsing and supporting the Town of Pinetop-Lakeside's grant proposal to the Arizona Water Protection Fund Commission for the leased county property known as Billy Creek Natural area; motion seconded by Supervisor DeSpain; vote unanimous approving

WHITE MOUNTAIN LAKES BOARD OF DIRECTORS' SESSION: **Supervisor DeSpain made motion** to enter into the White Mountain Lake's **Board of Directors' Session**; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. Consideration and possible approval of issuance of Letter of Default for contract with New Horizons Villa for the dock located at White Mountain Lake: Norma Loeffler, Advisory Committee Administrator, requested Board approval of this default letter. Supervisor DeSpain clarified that payment has been received for the back payments and Ms. Loeffler agreed, stating that interest is still due and the insurance expired in February. **Supervisor DeSpain made a motion** to approve issuance of a Letter of Default for the contract with New Horizons Villa for the dock located at White Mountain Lake; motion seconded by Supervisor Brownlow. Mel Bowers advised that this is not only a matter of defaulting on the payment; that to allow the insurance to lapse is a greater liability as this district would be named party of any litigation. Vote unanimous approving the motion.

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

BOARD OF SUPERVISORS:

a. **PUBLIC HEARINGS: FRANCHISES:**

- i. Consideration and possible approval of Resolution Number _____ - 07 to grant a 25 year franchise for water utility services to Voyager at White Mountain Lakes Water Company, Inc.: Darlene Fraley advised that both of the proposed franchises had been appropriately advertised, notification was made to legal counsel and Public Works and no opposition had been received in the Clerk's office. Rick Casebolt, who stated he works for Ike Isaacson, the owner of both the water and sanitation corporations, requested the Board's approval of this action. He advised the development in progress incorporates many acres of the White Mountain Lake area. He stated Ike Isaacson purchased the utilities to assure that as development moves forward water and sewer are available. County Attorney Mel Bowers advised the franchise agreement is to allow them to use public rights of way for their lines, that the service area is determined by the Corporation Commission. Chairman Tenney invited public comment and there was none. **Supervisor Brownlow made a motion** to approve by **Resolution Number 43 - 07**

- granting a 25 year franchise for water utility services to Voyager at White Mountain Lakes Water Company, Inc.; motion seconded by Supervisor Thompson; vote unanimous approving the motion.
- ii. Consideration and possible approval of Resolution Number - 07 to grant a 25 year franchise for waste water utility services to Voyager at White Mountain Lakes Sanitation, LLC: Vice Chairman DeSpain invited public comment and there was none. **Supervisor Thompson made a motion** to approve **Resolution Number 44 - 07** to grant a 25 year franchise for waste water utility services to Voyager at White Mountain Lakes Sanitation, LLC; motion seconded by Chairman Tenney; vote unanimous approving the motion.
- b. **PUBLIC HEARING: LIQUOR LICENSE:** Consideration and possible recommendation for approval of Liquor License Application #10093049 for an interim permit and new license as submitted by Anwar Safou for the premises known as Lakeside Bell Gas and Mini Market located at 3557 White Mountain Boulevard, Lakeside: June Foard addressed the board advising there are two different parcel numbers, one for the land and one for the building, and this permit has been properly posted and departments were notified who indicated there are no objections. She advised Mr. Safou and Mr. Innes are here if there are any questions. In response to a question from Supervisor Thompson, Mr. Innes advised that when a #10 permit is sold, the liquor board authorizes an interim permit to operate until the new license is issued. He stated there has been a liquor license there for a number of years but the change will be termed a new license. Chairman Tenney invited public comment and there was none. **Supervisor Brownlow made a motion** to approve the recommendation for the liquor license application as presented; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.
- c. Leadership award: Chairman Tenney announced the Board recognizes a project that Dusty Parsons has worked extensively on as a pilot project for 1600 miles of reservation roads including the Hopi/Navajo joint use area. He said this is a ground breaking agreement and the concept was very well received when in Washington with Congressional leaders and tribes and that this county is very much in favor of it. Dusty Parsons thanked the Board for their support and for his staff, which is willing to go the extra mile. Supervisor Deal joined the Chairman, members of the board and administration in thanking Dusty Parsons for his leadership. He said that at the initial stage he did not know if the Navajo Nation would participate or if the Hopi Tribe would but they now have resolutions of support. He said he is very excited about this project because it truly does give, for the first time, the key over to the Nation so they can take total responsibility for the maintenance program for the roads on the Navajo Nation within five years. He advised the BIA is stepping out of the picture for the Navajo Nation this fall. He said the Nation is using the model that Mr. Parsons and his staff put together; that in a sense staff has helped Mr. Parsons craft what may become federal legislation that may be the groundwork to truly support tribal sovereignty. He stated the federal government has come to respect this plan and are putting on a major conference in Albuquerque in August and have made this model an agenda item where Dusty Parsons, Supervisor Thompson, and he along with members of the Navajo Nation will give a demonstration on how this will work. He expressed deep appreciation to the board and administration for their support. Supervisor Thompson thanked Mr. Parsons for the fine job he and his staff have done. He said that the Local Government Act requires decision making at the local level and this act falls along with tribal policies to make communities self sufficient. He said that through this project they are able to get funding and they are ready to put it to use; within the next couple of weeks will be able to lay down some gravel in those areas. He expressed appreciation to other members of the Board and administration for their support and thanked the County Attorney for his advice. Chairman Tenney stated the Board notices a stark contrast between the Public Works Department now and the turmoil of a couple of years ago; that now it is a stable department with employees doing public service. County Manager James Jayne stated that life is about relationships and this situation exemplifies that.

FINANCE/PURCHASING: Consideration and possible approval to purchase a six section, 3,000 square foot modular building from Best Western International in an amount not to exceed \$15,000 for a new Snowflake/Taylor Sheriff's substation: Mary Springer stated she is requesting authority to purchase this item

that used to be a call center for a hotel chain on campus but now the college has need for that space. She said that NATC unanimously voted that this building could be located at that training center and they agreed to reimburse the county for the moving and set up. Chairman Tenney stated he serves on the NATC Board and it has taken longer to get the training center up and running than planned; the plan was for Sheriff Butler to have a substation there and this building would serve that purpose; and as funding comes in, NATC will reimburse the county for tear down, moving and set up of the building. Supervisor DeSpain inquired if moving and set up will come forward at a later date and Ms. Springer stated the approval of this funding is to secure the building and she will go out to bid to get this unit moved and at that time will come back with a request for the authority to move it. **Supervisor DeSpain made a motion** to approve purchasing a six section, 3,000 square foot modular building from Best Western International in an amount not to exceed \$15,000 for a new Snowflake/Taylor Sheriff's substation; motion seconded by Supervisor Brownlow. Supervisor Deal inquired if a request for the purchase of a building from Pinon Unified School District is forthcoming and Ms. Springer advised that building will be put up for a sealed bid process. Vote unanimous approving the motion. Chairman Tenney thanked the board for their support.

WORKFORCE INVESTMENT AUTHORITY: Consideration and possible approval of the creation of a temporary Office Support Specialist clerical position in Apache County WIA office at \$9.55 per hour for up to 40 hours per week for 52 weeks beginning July 1, 2007: Gail Sadler requested approval of this position in Apache County advising it was funded by Apache County before the merge. She stated that the dislocated worker services program will require using this position and it will also cover light custodial, eliminating that contract. **Supervisor Deal made a motion** to approve the creation of a temporary Office Support Specialist clerical position in the Apache County WIA office at \$9.55 per hour for up to 40 hours per week for 52 weeks beginning July 1, 2007; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

PUBLIC WORKS:

- a. **Consideration and possible approval of Resolution Number _____ - 07** to extinguish a 50' easement on APN 212-26-174B in the Pinetop-Lakeside area: Carol Fraley advised there would be no landlocked parcels resulting from this action, Public Works received no objections to this action and Public Works doesn't see a problem with granting the extinguishment. Supervisor Brownlow inquired if 173D and 173C were landlocked. Ms. Fraley discussed easements that run along the boundaries of the properties. Jeff Adams, an attorney from Prescott, stated he represents the owners of 174B and several years ago represented owner of 174A in action involving all four properties. He said that as a result of that dispute, the property owners created an alternative access and pointed out on the map where the easement exists, discussing access to all parcels. **Supervisor Brownlow made a motion** to approve Resolution Number **45 - 07** to extinguish a 50' easement on APN 212-26-174B in the Pinetop-Lakeside area; motion seconded by Supervisor Thompson; vote unanimous approving the motion.
- b. **Consideration and possible approval of Resolution Number _____ - 07** to extinguish a 20' easement on APN 212-34-077 in the Pinetop-Lakeside area: Carol Fraley advised that this parcel provides access to only parcel 077 and the owner wants this unused easement removed. She discussed other easements that are in existence and advised she had received letters in support of this action from each contiguous property owner. **Supervisor Brownlow made a motion** to approve Resolution Number **46 - 07** to extinguish a 20' easement on APN 212-34-077 in the Pinetop-Lakeside area; motion seconded by Supervisor Thompson; vote unanimous approving the motion.
- c. **Consideration and possible approval of Resolution Number _____ - 07** for the Final Plat and the Financial Assurances for the Starlight Ridge Estates Townhouses Unit II Subdivision: Bill Fraley advised this is the fourth in a series of actions on this subdivision. He pointed out the subdivision to the board on a displayed map, stating this has been special development zoning and then displayed the Final Plat. He discussed actions taken that included improvement plans, advised the CCRS will be tied to this Final Plat and that the Clerk of the Board has received the Financial Assurances for the project in the amount of \$745,695. He stated the project has met all conditions of the Planning and Zoning Commission and actions requested by

staff. Chairman Tenney invited public comment and there was none. Supervisor Brownlow thanked the developers and engineers for putting everything together. **Supervisor Brownlow made a motion** to approve **Resolution Number 47 - 07** for the Final Plat and accepting the Financial Assurances for the Starlight Ridge Estates Townhouses Unit II Subdivision; motion seconded by Supervisor DeSpain. Supervisor Deal inquired how far this is from the Apache Reservation and Mr. Fraley located it on the map. He advised the department did notify the White Mountain Apache Tribe and did not receive a response. Supervisor Brownlow stated this project has been ongoing for five years and Mr. Fraley has been in contact with the White Mountain Apache transportation department and their legal department. Vote unanimous approving the motion.

d. **NORTHWOOD PINES PUBLIC HEARINGS:**

i. **Consideration and possible approval of Resolution Number _____ - 07 for a Zone Change request by Northwood Pines, LLC, from A-General to Special Development Zoning for APN: 207-12-069, 070, 071, 072, 073, 074, 075, 077, and 078 in Township 12 North, Range 16 East, Section 13 in the Heber area:** Bill Fraley advised this is what was originally called White Cliff Pines and that project did not develop. He oriented the Board to this property on a map and advised this is a zone change from A General to Special Development, bounded by Forest Service on two sides. He reviewed the written staff report, discussing low water crossings. He advised no negative comments were received, several expressions of approval came in and when the action went before the Planning and Zoning Commission it received unanimous approval. The Chairman invited public comment. William Prescott, developer of this property, stated he and his brother bought the property six or eight months ago and they are trying to help bring the sewer district to fruition. He discussed his and his brother's background and their ties to Arizona. He stated the staff here has been wonderful to work with which is very refreshing and the people in Heber have been outstanding. After no further comment, the Chairman closed the public hearing. **Supervisor DeSpain made a motion** to approve **Resolution Number 48-07** for a Zone Change request by Northwood Pines, LLC, from A-General to Special Development Zoning for APN: 207-12-069, 070, 071, 072, 073, 074, 075, 077, and 078 in Township 12 North, Range 16 East, Section 13 in the Heber area; motion seconded by Supervisor Deal. Chairman Tenney stated that the people of Heber have been looking forward to the development of this area for a number of years and are excited to see what this developer is going to do with it. He said he is delighted the developer is working so well with the sewer district. Vote unanimous approving the motion.

ii. **Consideration and possible approval of Resolution Number _____ - 07 for a Master Development Site Plan for the proposed "Northwood Pines" Development for APN: 207-12-069, 070, 071, 072, 073, 074, 075, 077, and 078 in Township 12 North, Range 16 East, Section 13 in the Heber area:** Bill Fraley advised staff is recommending approval with the stipulations as listed in the Resolution. The Chairman invited public comment and there was none. **Supervisor Deal made a motion** to approve **Resolution Number 49- 07 including stipulations** for a Master Development Site Plan for the proposed "Northwood Pines" Development for APN: 207-12-069, 070, 071, 072, 073, 074, 075, 077, and 078 in Township 12 North, Range 16 East, Section 13 in the Heber area; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

e. **PUBLIC HEARING: Consideration and possible approval of Resolution Number _____ - 07 for a Zone Change request by Lee Larsen from A-General to Commercial-Residential for a portion of parcel 212-18-071 in the Pinetop-Lakeside area:** Bill Fraley oriented the Board to the subject property. He advised that he met with Lee Larsen on site to review his request and one property located contiguous to this property is commercial. He advised he suggested the owner apply for a zone change to have a better use of his property. He reported the owner's intent is to build a gas station and possibly a restaurant on the property with the understanding he will have to come back for permission to do so and complete drainage and ADOT studies. He stated a zone change will allow a better use of the odd shaped lot. He reported the Planning and Zoning Commission voted 5-1 in favor of the project with the dissenting vote cast because one commissioner felt there was too much commercial zoning in this area. Chairman Tenney invited public comment and there was none. **Supervisor Brownlow made a motion** to approve **Resolution Number 50 -**

07 for a Zone Change request by Lee Larsen from A-General to Commercial-Residential for a portion of parcel 212-18-071 in the Pinetop-Lakeside area; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

- f. **PUBLIC HEARING: Consideration and possible approval of Resolution Number - 07 for a Special Development Master Site Plan Amendment for the proposed "Wolf Pines Unit 3" Development for APN: 212-07-003G in Township 9 North, Range 22 East, Section 9 in the Wagon Wheel area.** Telford Chapman oriented the board to the parcel on a site map stating there are 27 lots. He discussed access and the staff report. He advised that at the Planning Commission there was a property owner concern expressed about traffic on Bear Run Road. He reported the Planning and Zoning Commission unanimously recommended approval and staff recommends approval. Chairman Tenney invited public comment. John Murphy of Murphy Engineering stated the owner recently had eye surgery and could not attend. He reported the project will be site-built homes with the emergency access utilizing the same roads as in Unit I and Unit II and then pointed that access out on the map. Supervisor Brownlow inquired if culverts will have to be installed and John Murphy advised they will build at grade so they will not need to do so. Chairman Tenney closed the public hearing. **Supervisor Brownlow made a motion to approve Resolution Number 51 - 07** for a Special Development Master Site Plan Amendment for the proposed "Wolf Pines Unit 3" Development for APN: 212-07-003G in Township 9 North, Range 22 East, Section 9 in the Wagon Wheel area; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.
- g. **Consideration and possible approval of Resolution Number - 07 in opposition of utilizing the STAN formula for distribution of state highway funds.** Supervisor Brownlow discussed the background of using this formula which will negatively impact rural counties with Maricopa and Pima County's funding increasing, vehemently expressing his frustration that the rural counties are damaged by this formula. He stated he is requesting support of this resolution for the White Mountain Transportation Committee. **Supervisor Brownlow made a motion to approve Resolution Number 52- 07** in opposition of utilizing the STAN formula for distribution of state highway funds. Supervisor DeSpain echoed his support of this resolution discussing the impact it would have on Navajo County, stating AACo, NACOG, and IPAC oppose redirecting these funds. Supervisor DeSpain seconded the motion. Dusty Parsons and James Jayne discussed the history of the funding formula and the differences in the formulas that will negatively impact Navajo County and Mr. Jayne stated he believes this is a change in public policy in Arizona. Mr. Jayne stated the refinancing of the bond is a one-time benefit and it is setting a new paradigm that will not be changed in the future. Vote unanimous approving the motion.

BOARD BUSINESS: Supervisors discussed activities within their districts, CDBG project progress and that there will be two detox centers, one in Winslow and one in Holbrook. Supervisor Deal stated he recently attended the WIR conference in Alaska and found that very worthwhile.

At 11:08 a.m., **Supervisor Thompson made a motion** to adjourn; motion seconded by Supervisor Deal; vote unanimous approving the motion.

APPROVED:

DATE:

David Tenney, Chairman

ATTEST:

Clerk of the Board