

NAVAJO COUNTY BOARD OF SUPERVISORS MINUTES
TUESDAY, AUGUST 21, 2007

9:00 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; Jesse Thompson, Member; and Jerry Brownlow, Member; James Jayne, County Manager; Mel Bowers, County Attorney; Darlene Fraley, Clerk of the Board. Percy Deal, Member, entered the meeting in progress.

CALL TO THE PUBLIC:

- Jesse Thompson acknowledged the presence of Walter Bighorse, who is the criminal investigator in Dilkon.
- James Menlove advised the Supervisors received the Auditor General's Single Audit report for 2004 including the management report and responses by Navajo County. He stated the team is moving ahead with the 2005 and 2006 audits and that he met with the Auditor General last week to coordinate audit activities.
- James Jayne introduced Rod Ross as the Grants Administrator stating he will also do some government liaison work for Navajo County. Mr. Ross discussed his background and expressed appreciation to be here.

CONSENT AGENDA: a) Vouchers; b) Tax roll corrections; c) Signature approval on request for Fill The Gap funding for FY08; d) Certify revenue collected by Superior Court, Clerk of the Court and all Justice Courts in FY06-07 along with 5% set aside funds; e) Signature approval on request for continued funding of Court Field Trainer with matching funds to come from FY08 general fund budget; f) Appointment of Benjamin Cole as Family Law Commissioner; g) Appointment of Ralph E. Hatch and Robert VanWyck as Superior County Judge Pro Tempore; h) Approval of report of contract signed by County Manager with Tomhave Group, Inc.; i) Clerk of Superior Court Report—July; j) Juvenile Justice System Report—July; k) Justice of the Peace Reports: Holbrook #1, July; Snowflake #3, July; Kayenta #4, July; Show Low #5, July; Pinetop #6, July; l) Constable Reports: Winslow #2, July; Snowflake #3, July; Kayenta #4, July; Show Low #5, July; Pinetop-Lakeside #6, July; m) Minutes—July 3 and July 17, 2007; n) Renew Delegation Agreement between Navajo County and the Arizona Department of Environmental Quality to administer onsite septic system permitting and inspection; o) Special event ten day (August 24, 25, 26, 31 and September 1, 2, 3, 7, 8, 9) liquor license requested by Gary Lee Burger as a fund raiser to benefit the Rim Community Library of Heber Overgaard with event to be held at the Pompous Pantry at 2773 E. Highway 260, Overgaard; p) Special event liquor license on September 1, 2007 requested by Bill Lucey as a fund raiser to benefit the Susan G. Komen—Phoenix affiliate for cancer research and life celebration, five years after “the fire” with the event to be held at Bison Ranch at 2269 Highway 260, Overgaard; q) Appointment of Navajo County Democrat Precinct Committee Persons: Peter Sage, Delores Atene, Joe Benally, Clare Baker-Dukett, Carol Prochter and Linda Thompson: **Supervisor Thompson made a motion** to approve the Consent Agenda and authorize the chairman to sign those items; motion seconded by Supervisor DeSpain; vote unanimous approving the motion with Supervisor Deal absent for the vote.

Supervisor Deal entered at this point.

HUMAN RESOURCES: Consideration and possible approval of Personnel Actions: Gail Calisen reviewed her written report of 105 items. **Supervisor Brownlow made a motion** to approve the Personnel Action report as presented; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

JUDICIAL BRANCH: Consideration and action to set the public hearing to be held September 18, 2007 for the Amendment to Ordinance Number 02-97 and authorize publication of this hearing date: Marla Randall advised that last year the courts had a shortfall of approximately \$27,500 that had to be taken from the General Fund. She stated that with this proposed increase the courts would be able to meet that shortfall. **Supervisor Brownlow made a motion** to set the public hearing on September 18, 2007 for the Amendment to Ordinance Number 02-97 and authorize publication of this hearing date; motion seconded by Supervisor DeSpain.

Supervisor Deal inquired what automation costs there are and Ms. Randall stated this fee covers every computer and printer in the county used by the judiciary. Vote unanimous approving the motion.

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT Board of Directors Session: Supervisor Thompson 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 action related to a contract between Navajo County Public Health Services District and the National Association of Counties (NACo) for a discount prescription drug program: Wade Kartchner, advised this prescription program will provide a discount whenever the insurance does not cover a specific medication or if they have insufficient insurance. He said they anticipate rolling out the program, if approved, in 8-10 weeks. Supervisor DeSpain advised there was a presentation of this program at AACo showing it would be a benefit to county residents. **Supervisor DeSpain made a motion** to approve the contract between Navajo County Public Health Services District and the National Association of Counties (NACo) for a discount prescription drug program; motion seconded by Supervisor Thompson. Supervisor Deal inquired if this program would cover everyone within the County and was advised it does. Dr. Kartchner advised that there will be identification cards and the residents must provide proof of residency to obtain a card. He stated this information will be provided county-wide and the new Community Services Director will guide the roll out campaign. Vote unanimous approving the motion.
- b. Consideration and possible action regarding an annual agreement between Navajo County Public Health Services District and Blue Cross Blue Shield of Arizona to provide influenza and pneumonia shots to be provided to local government agencies, including Navajo County employees: Dr. Kartchner reviewed this contract. **Supervisor Deal made a motion** to approve the annual agreement between the Navajo County Public Health Services District and Blue Cross Blue Shield of Arizona to provide influenza and pneumonia shots to be provided to local government agencies, including Navajo County employees; Supervisor Brownlow seconded the motion; vote unanimous approving motion with Supervisor DeSpain absent for the vote.
- c. Consideration and possible action related to Arizona Department of Health Services Contract #HG454010 Tuberculosis Control Program Amendment #4 in the amount of \$25,000 for 07/01/07 to 06/30/08: **Supervisor Thompson made a motion** to approve this contract as presented; Supervisor Brownlow seconded the motion. In response to a question from Supervisor Brownlow, Dr. Kartchner advised that all cases of tuberculosis must be reported to the public health agency. Vote unanimous approving the motion with Supervisor DeSpain absent for the vote.

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

PUBLIC WORKS:

- a. NAVAJO COUNTY FLOOD CONTROL DISTRICT Board of Directors' Session: Supervisor DeSpain made a motion to enter into the Navajo County Flood Control District **Board of Directors' Session**; motion seconded by Supervisor Thompson; vote unanimous approving the motion. Consideration and possible authorization to reject bid #B07-05-030 Blue Spruce Remedial Drainage Improvement Project: Public Works Director Dusty Parsons advised that the only bid received exceeded the cost estimate by over \$100,000. He advised they will complete the project in-house because the material cost for the entire project can not be over \$5,000. **Supervisor Brownlow made a motion** to reject bid #B07-05-030 Blue Spruce Remedial Drainage Improvement Project; motion seconded by Supervisor DeSpain. Vote unanimous approving the motion. **Supervisor Thompson made a motion** to return to regular session; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

Supervisor Tenney recognized former Supervisor Pete Shumway in the audience.

- b. Consideration and possible action related to Resolution Number ____ -07 to enter into an Intergovernmental

Agreement with the City of Show Low to jointly develop a car wash facility at 1100 E. Thornton in Show Low to be jointly used to wash County and City vehicles and equipment: Dusty Parsons advised they are ready to build a vehicle wash in the Show Low Road yard and are asking the City of Show Low to partner by furnishing water, sewer and waste disposal while the County funds the construction. Supervisor DeSpain advised that yesterday they interviewed for a weed project executive director since one issue is that county and city trucks spread weed seeds. **Supervisor DeSpain made a motion** to approve **Resolution Number 66 -07** to enter into an Intergovernmental Agreement with the City of Show Low to jointly develop a car wash facility at 1100 E. Thornton in Show Low to be jointly used to wash County and City vehicles and equipment; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

- c. Consideration and possible action to authorize expending funds for the repair of the abutment approach area on the North end of the Obed Road Bridge: Dusty Parsons stated this request is to authorize Public Works to spend up to \$100,000 to repair the eroding of the banks near the Obed bridge. He displayed pictures of the flooded river and eroded area and discussed previous efforts to address this issue. Supervisor DeSpain clarified that the agenda item is for the bridge rather than the eroded area of the river by the road yard, discussing eroded areas as pictured. In response to questions from Supervisor Deal, Mr. Parsons stated the \$100,000 is for rental of equipment to haul materials, material costs, and to reinforce the bank area stating that the funds will be taken from the \$1,000,000 funding set aside for the Obed Bridge. **Supervisor DeSpain made a motion** to authorize expending funds not to exceed \$100,000 for the repair of the abutment approach area on the North end of the Obed Road Bridge; motion seconded by Supervisor Deal. Vote unanimous approving the motion.
- d. **PUBLIC HEARING:** Consideration and possible action related to Resolution Number _____ - 07 for a Special Development Master Site Plan Amendment for the proposed "White Mountain Lake Airpark" Development for APN: 304-17-032A and 304-18-002 in Township 11 North, Range 22 East, Sections 13, 14, and 24 in the White Mountain Lakes Area: Telford Chapman oriented the board to the proposed air park on a vicinity map. He reviewed the development progress advising that construction has begun in the first phase. He reviewed the first submittal of the Master Plan for the White Mountain Lake Airpark where concern was expressed because there was a home located fairly close to the end of the runway. He said the developer met with some of the concerned citizens in the area and in response to their concerns agreed to move the runway. He reviewed the revised submittal shifting the runway 30' to the south. He reviewed the staff report in depth advising approval is recommended provided the plan complies with all stipulations listed. He reported the Planning and Zoning Commission voted 6-1 in favor of this action. He reviewed the stipulations contained in the resolution that included compliance with all FAA requirements. In response to a question from Supervisor DeSpain, Planning and Zoning Director Bill Fraley advised that Deputy County Attorney Payette's main concern was that the 300' notification requirement would not be impacted by the realignment and it was determined it would not be. Chairman Tenney advised this is a Public Hearing and opened it to the public for comments: Dennis Corsi of Armstrong Consultants, Inc. reviewed his firm's qualifications as experts in the field of developments with air parks, advising they have completed over 400 airport projects, advising of some in the local area. He introduced Gary Adams who is the client service manager and provided his background. He stated that he evaluated this proposal from the aeronautical perspective. He stated that local control is provided on a private project rather than governed by the Federal Aviation Agency (FAA) but there is notification to the FAA to assure there is no conflict with surrounding commercial airports. He reviewed the requirements of the FAA and the rules and regulations that govern this air park, advising the developer can require that all pilots are familiar with all of these. He discussed the need for an alternative runway, advising of the intersecting runways and their purpose for cross wind landings, providing technical information about winds and required lengths of runways for landing and taking off. He advised that whenever it is physically possible and economically viable to construct a cross wind runway it is important to do so. He stated that while this enhancement is not required he feels that if it can be done to satisfy residents it would then meet FAA recommendations. Lem Cook addressed the board reading a letter from Mr. Silliman requesting his name be removed from the petition of opposition because

he had stated he did not feel there would be harm to him. Mr. Cook stated his own home is one of the closest residences to this crosswind runway and that he owns an additional 60 lots that would be impacted but he is here in support of it. David Bunker, Barbara Karnath, Beth Hill, and John Hager, all White Mountain Lake residents, addressed the board expressing concerns related to this project. Supervisor Tenney inquired when the original runway was put in and Lem Cook advised it was built in the 1960's. In response to a resident's question, County Attorney Mel Bowers advised this issue does not have to go back to the Planning and Zoning Commission as it is the same parcel of property and does not add residents within the 300' notification requirement. Chairman Tenney closed the public hearing. In response to a question from Supervisor DeSpain, Telford Chapman displayed the outline of the project and the 300' notification that included the existing runway and proposed runway advising this was also noticed in the paper. In response to a question about clear zones and whether the movement of this proposed runway would put Ms. Karnath's home in the clear zone, Mr. Corsi defined clear zones and advised a clear zone and landing threshold are on the airport development property and do not extend over privately owned land. In response to the resident's request he stated he did not believe it would be a good decision to reduce the runway length; that even though aircraft could land in a shorter runway they need extra taxi way. He emphasized the number of over flights will be minimal as wind comes from the direction that would require using the crosswind runway less than 3% of the time. He advised there are very few controlled airports in the US; it is normal for it to be the pilot's responsibility to assure aircraft performance is safe. In response to a question from Ms. Karnath, Mr. Corsi advised that when planes take off, depending on aircraft performance, they will normally get up to 500'. Mr. Corsi discussed traffic patterns as related to the approaches and the runways. He stated the primary focus of planning is to land rather than take off over residential areas. Supervisor DeSpain stated that in viewing other communities, the flight patterns for their airports generally leave and come in over the town. In response to questions from Supervisor DeSpain, Mr. Corsi stated that 230,000 planes could take off and land per year on this configuration and that hangar space is limited by developable land, explaining the hangars are for transient airplanes and that those who live in the area will have a hangar on their home. In response to a question from Supervisor Thompson, Mr. Fraley stated the Planning and Zoning Commission's dissenting vote was because the first version of this runway took it over a house. In response to a question from Supervisor DeSpain as to what would happen if the Board did not approve a crosswind runway, Mr. Corsi stated they would be taking a chance that a plane would blow into a home. Ms. Karnath stated the original alignment went over her garage but the new alignment is right over her deck stating that if there are gusts of southwest winds the plane could be blown off course right toward her home. Supervisor DeSpain advised that while this board can not assure the public that there will never be an incident, or that planes will not fly over their homes, or make noise, the intent of this proposal is to make the development safe and give input as to where runway is aligned. He expressed appreciation to the developer for moving the alignment to address safety concerns. Chairman Tenney closed the public hearing. **Supervisor DeSpain made a motion to approve Resolution Number 67 - 07** to include stipulations and the 230' new alignment for a Special Development Master Site Plan Amendment for the proposed "White Mountain Lake Airpark" Development for APN: 304-17-032A and 304-18-002 in Township 11 North, Range 22 East, Sections 13, 14, and 24 in the White Mountain Lakes Area; with acknowledgement that the developer has worked with the residents to address safety concerns; Supervisor Thompson seconded the motion. In response to a question from Supervisor Deal, Mr. Fraley said the original stipulations in 2005 were for the approval of the original master plan that would have addressed the taxi way, engineering concerns, and flood control. Supervisor Deal clarified that was the taxi way for the old air strip and Mr. Fraley agreed stating it was a taxiway that is not there any longer and this proposed runway will be in its place. Ms. Karnath inquired if she could get a crash gate and Chairman Tenney suggested she meet with staff to discuss this. Vote unanimous approving the motion.

Chairman Tenney recognized Representative Bill Konopnicki in the audience.

- e. **PUBLIC HEARING:** Consideration and possible action related to **Resolution Number _____ - 07** for a proposed Special Use Permit Request by Fuel Center Plus Inc., for parcel 206-15-016Q in Township 12 North, Range 17 East, Section 29 in the Overgaard area: Telford Chapman reviewed the site map orienting the board to the project under discussion advising this is to provide fuelling services to residents in the Heber Overgaard area stating that all staff and the Planning and Zoning Commission recommend approval. Chairman Tenney invited public comment and there was none. **Supervisor Brownlow made a motion** to approve **Resolution Number 68- 07** for a proposed Special Use Permit Request by Fuel Center Plus Inc., for parcel 206-15-016Q in Township 12 North, Range 17 East, Section 29 in the Overgaard area; motion seconded by Supervisor Deal; vote unanimous approving the motion with Supervisor DeSpain and Supervisor Thompson absent for the vote.

BOARD OF SUPERVISORS:

- a. **Consideration and possible adoption of Resolution Number _____ - 07 in support of the construction of an oriented strand board plant by Arizona Forest Restoration Products, Inc.:** Chairman Tenney advised that the Board of Supervisors previously issued a letter of support for this plant and a Resolution of Support is now requested. In response to a question from Supervisor Deal, Chairman Tenney stated that in other meetings he has attended Pascal Berlioux has indicated his group has met with the tribes for timber procurement. **Supervisor Deal made a motion** to adopt **Resolution Number 69 - 07** in support of the construction of an oriented strand board plant proposed by Arizona Forest Restoration Products, Inc as it benefits the City of Winslow and the northern area of the county; motion seconded by Supervisor DeSpain. Supervisor Brownlow stated he is in full support and in discussion with the Forest Service has tried to put together a Northern Arizona wood products study so when they have projects of this nature they can move forward to clean up the forests. Vote unanimous approving the motion.
- b. **Acknowledgement of Arizona Association of Counties' staff:** Supervisor DeSpain welcomed AACo staff Nicole Stickler, Jennifer Sweeney and Mark Baer Ms. Stickler advised of services that AACo provides creating a unified voice for the counties in the State and partnerships that have resulted. She expressed appreciation for Navajo County elected officials who currently serve and have served as past presidents of AACo. Supervisors and AACo staff thanked Representative Konopnicki for his representation of the counties. Ms. Sweeney reviewed bills that impacted the county discussing those that were blocked and those that were beneficial to the counties as moved forward. She discussed the process to determine policy positions, legislative proposals and outreach strategies and encouraged supervisors to make contact when support is needed. She reviewed the timeline for the legislative process advising proposed legislation is due to AACo by September 1st. She reviewed policy issues on the horizon that include property tax reform, elections' procedures, immigration enforcement, county information technology needs, growth-related infrastructure demands, state cost-shifts to county taxpayers and exempt costs from the Expenditure Limits with the intention that if there is a new county mandate that the mandate is exempt from the expenditure limit. Mark Baer advised the AACo goal is to increase educational opportunities and outlined some educational sessions, publications and updates that are offered. Nicole Stickler reviewed cost savings programs that include a deferred compensation program, joint purchasing discounts for counties, county-employee discounts for auto and home insurance, and advised they are working on post employment health benefits and dental health care discounts for residents. She thanked Navajo County for its involvement and support. Supervisor Thompson stated he would encourage a close working relationship between AACo and inter-tribal councils advising of past successes and proposed legislation. Supervisors, James Jayne and Mel Bowers thanked AACo staff for working on issues that impact Navajo County, expressing appreciation for the new direction Executive Director Nicole Stickler is taking this organization.
- c. **Legislative address to the board on issues impacting Navajo County:** Representative Bill Konopnicki discussed issues impacting the county, calling attention to the need to maintain the Casa Grande Accord which outlines the way highway monies are divided. He advised that 68% of Arizona State Representatives are from Maricopa County and this puts rural counties at a major disadvantage in regard to this important

issue. He advised there is a movement to re-establish the State Community College Board and he will monitor this. He stated that if the economic trends continue, the budget will have a shortfall of \$300,000,000 which should be handled through utilizing rainy day funds and looking at cash versus lease options. Supervisor DeSpain advised that Representative Konopnicki was the recipient of the AACo Legislator of the Year award, stating he took criticism at times when he represented county interests and he appreciates his support for the counties. All supervisors thanked Representative Konopnicki for his accessibility, his representation of the counties and his assistance and guidance through the legislative sessions.

PERSONNEL: Consideration and possible action to adopt, modify or reject the Advisory Decision of the Personnel Commission regarding the termination of a previous employee pursuant to Section 4.88 of the Navajo County Personnel Policies Manual: Gail Calisen advised that in an appeal filed by a previous employee a formal hearing was conducted last week. She submitted documents that outlined the result of that hearing and reviewed the Personnel Commission findings. In response to a question from Supervisor Deal, Ms. Calisen advised the previous employee was served with a letter advising of today's action and the reaction was "Do I have to be there?" Mel Bowers advised the board it is entitled to discuss this item in executive session as the employee was advised this was taking place and that the discussion could, upon her request, be in open session. Ms. Calisen stated there was a unanimous recommendation of the Personnel Commission to uphold the decision of the department director. In response to a question from Supervisor Deal, Mr. Bowers stated that while there is not a definitive test of excessive tardiness, the policy does provide a course of conduct. He said there was a course of counseling to try to address the problem at different stages, the supervisor allowed the employee to come in at 8:30 when she could not get to work at 8:00 and then the employee could not get to work at 8:30. He stated that while he did not present this issue to the Personnel Commission, he understands the decision was based on a consideration of all factors. Supervisor DeSpain inquired if there is a reason they could not view this material prior to this meeting and Mr. Bowers responded that since the disciplinary proceeding takes place before the Personnel Commission which is subject to the open meeting law the information would be available as a public record. Supervisor DeSpain stated he would prefer to have this type of information in advance. **Supervisor Brownlow made a motion** to uphold the Advisory Decision of the Personnel Commission regarding the termination of a previous employee pursuant to Section 4.88 of the Navajo County Personnel Policies Manual; motion seconded by Supervisor DeSpain. In response to a question from Supervisor Deal, Mr. Bowers stated that if the board had decided not to uphold the action of the supervisor, the employee would have been reinstated. Vote unanimous approving the motion.

ADJOURN: At 12:14 p.m., **Supervisor Brownlow made a motion** to adjourn; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

APPROVED:

DATE:

J. R. DeSpain, Vice-Chairman

ATTEST:

Darlene Fraley, Clerk of the Board