

**NAVAJO COUNTY BOARD OF SUPERVISORS MINUTES
TUESDAY, SEPTEMBER 18, 2007**

9:03 a.m. Call To Order: Supervisor Brownlow led the Pledge of Allegiance and offered the invocation.

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

CALL TO THE PUBLIC: No response

CONSENT AGENDA: a) Vouchers; b) Minutes of July 19, 20007; August 14, 2007; c) Authorization for the Navajo County School Superintendent to sign a municipal lease purchase agreement for 48 months for the lease-purchase of four vehicles; d) Letter of support for the Arizona Utilities CO₂ Storage Pilot Project; e) Letter of support for the Woodruff Community Library; f) Letter of appreciation to Representative Ann Kirkpatrick; g) Grant a utility easement for APS to extend/relocate electric power to the Navajo County Fairgrounds in Holbrook; h) Report of contract amendment as signed by County Manager with Navajo County and Terra Genesis for the Public Works, Work Management System, Contract #B06-04-027 for An additional \$47,500; i) Report of contract amendment as signed by County Manager with Navajo County Ritoch-Powell & Associates for the design of the Lone Pine Dam Bridge for an additional \$18,038.50; j) Authorization for Sheriff to sign the Intergovernmental Agreement amendment between the Sheriff's Office and Department of Public Safety to reflect the name of new Evidence Custodian and dates of training; k) Request for undercover plate for Sheriff's office vehicle; l) Re-appointment of Jason Hatch to the Planning & Zoning Commission for District IV, for an additional three year term: **Supervisor Thompson made a motion** to approve the Consent Agenda as presented authorizing the chairman to sign the documents; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

HUMAN RESOURCES: Consideration and possible approval of Personnel Actions: Gail Calisen reviewed her 67 item written report. Supervisor DeSpain noted that action #35 is the end of probation for someone with his last name but there is no direction relationship. **Supervisor DeSpain made a motion** to approve the Personnel Actions as presented; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

CENTER FOR DESERT ARCHAEOLOGY: Update on Little Colorado River Valley National Heritage area designation: Linda Marie Golier conducted a power point presentation regarding this project, providing the history, how the designation will leverage grant dollars, the duties of the working groups, public information outreach efforts, inviting the board to be available to receive information regarding this project, and the timeline of the project. In response to questions from Supervisors, Ms. Golier advised: this Heritage area would probably not purchase land for the expansion of the Petrified Forest and that the Petrified Forest does have a presence in this project; Heritage areas are established by an Act of Congress; there have been ten National Heritage areas designated since 2006 and all have very strong private property protection language in their designation, that the 2006 group just has to write a letter to opt out; before a Heritage area is enacted, the owner must give consent; the entire state of Tennessee is a National Heritage area; she can not address what would and would not have to be disclosed on a deed as that is a legal issue; this designation will probably be introduced to Congress in 2009 and then will work its way through committee; the main purpose of a Heritage area is to promote, conserve or preserve the area; the private property owner has to give written consent and if that owner does not want their land included they can write a letter stating so; the Navajo Nation is gathering information about the trading post and they disseminate information about Native Americans and their communities; three chapters have given letters of support; the Nation's cultural preservation office is aware of the project; the Navajo Nation Department of Tourism has given a letter of support; she met with a sheepherder's group back in

spring; the Indian Wells trading post is aware of the project; she spoke with the Hopi land team; and she visited the Zuni Council and some of their department heads. Supervisor Deal commended Ms. Golier for visiting chapters and encouraged her to visit with the Navajo Nation and Hopi Councils advising her that the tribes have a traditional religious group of people with a rich heritage and some communities will not accept any modern utilities; further stating that there is a certain amount of distrust of the federal government on the reservation and care would have to be taken that all issues are carefully explained in an outreach program and then adhered to when implemented. Supervisor Brownlow recognized Don Anderson Cosgrove, businessman, and Penny Pew of Congressman Renzi's office, stating that he and Mr. Cosgrove had discussed this issue. All Supervisors expressed concerns about this issue including: a federal overlay on private land or tribal lands; the impact this action could have on future development; the opt out issue should not have to be initiated by the private landowner, rather it should be the owner should have to request to be included; and issues that arose in Yuma are causing concern regarding support of this project. The board thanked Ms. Golier for her participation.

NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT: Board of Directors Session: HEALTH DISTRICT CONSENT AGENDA: 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. Approval of amendment #3 of contract #HG461022 with the Arizona Department of Health Services for the Community Nutrition program for 7/1/07 to 6/30/08 for \$14,247.12: **Supervisor DeSpain made a motion** to approve the consent agenda as printed; 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.

JUDICIAL BRANCH—PUBLIC HEARING:

- a. Consideration and possible action to adopt Resolution Number _____ - 07 amending the Justice Court Administrative Fees Ordinance by increasing the court automation fee from \$4.00 to \$6.00: Marla Randall reviewed the current automation costs of \$87,000, advising that last year the courts collected \$57,000. Supervisor Tenney invited public comments and there were none and the hearing portion of this item was closed. **Supervisor Brownlow made a motion** to adopt **Resolution Number 71-07** amending the Justice Court Administrative Fees Ordinance by increasing the court automation fee from \$4.00 to \$6.00; motion seconded by Supervisor DeSpain. Supervisor Deal inquired if other similar sized counties charge similar amounts and Marla advised the fee depends on case load and it varies across the state. In response to a question from Supervisor Thompson, Ms. Randall stated the fee can be waived if there is a proven financial hardship. Vote unanimous approving the motion.
- b. Consideration and possible adoption of amended Justice Court Administration Fee Ordinance Number _____ - 07 increasing the Justice Court automation fee from \$4.00 to \$6.00: **Supervisor DeSpain made a motion** to adopt the amended **Justice Court Administration Fee Ordinance Number 07 - 07** increasing the Justice Court automation fee from \$4.00 to \$6.00; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

BOARD OF SUPERVISORS: Consideration and possible acceptance of back tax land list and authorize publication of the same with notice of the date of the 2007 Back Tax Auction: Clerk of the Board Darlene Fraley addressed the Board advising there were 67 properties on this year's auction list. **Supervisor DeSpain made a motion** to accept the back tax land list, authorize the publication of the same and setting the auction for 1:30 p.m. on October 16, 2007; motion seconded by Supervisor Deal; vote unanimous approving the motion.

NAVAJO COUNTY LIBRARY DISTRICT: Board of Directors' Session: Consideration and possible acceptance of the LTSA grant awarded to the Library District for \$8,000 to get Playaway audio books and TumbleBooks e-books in the libraries: **Supervisor Brownlow made a motion** to enter into the Navajo County Library District **Board of Directors' Session**; motion seconded by Supervisor Thompson; vote unanimous

approving the motion. Geneva Durkee advised the LTSA grant focuses on audit books which is a very high profile item in the libraries, stating a new format entitled Playaway has become very popular, displaying and discussing this device. She advised she will put together a consortium for the \$1,500 planning grant. Supervisor DeSpain thanked Geneva for participation at the fair, stating the booth was very informative to citizens. **Supervisor DeSpain made a motion** to accept the LTSA grant awarded to the Library District for \$8,000 to get Playaway audio books and TumbleBooks e-books in the libraries; motion seconded by Supervisor Thompson. Supervisor Thompson commented this action supports No Child Left Behind mandates and he feels this should be made available to those schools on the reservation. Ms. Durkee advised the Hopi and Apache reservations are included in this grant and the link is available to all who have internet access. Vote unanimous approving the motion. James Jayne congratulated Ms. Durkee on receiving two very substantive federal government grants. Ms. Durkee stated that only fourteen of these grants were given out in the nation and she had been notified that Navajo County received two of them, \$75,000 for White Mountain Apache Tribe social issues and funding for the Hopi reservation book mobile. **Supervisor Deal made a motion** to return to regular session; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

WHITE MOUNTAIN LAKE RECREATION DISTRICT: Board of Directors' Session: Consideration and possible approval to issue Letter of Default of contract to New Horizons Villas: Supervisor DeSpain made a motion to enter into the White Mountain Lake Recreation District Board of Directors' Session; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. John Hager addressed the board giving the history of the previous letter of default issued for lack of insurance, payment default and lack of maintenance, stating that as a result of that letter the insurance and late payments plus fees and interest were paid in the spring. He displayed pictures of the dock showing where access is limited, with the conditions where the dock is in the lake showing there is a very muddy, slippery approach to it and then pictures where the dock is not in the lake but resting on floats which can create a dangerous maintenance issue. He stated that he recommends striking the payment clause in the letter because payment was made last Friday and payment included late fees and interest. In response to a question from Chairman Tenney, he stated he would recommend issuing notice to the developer that the dock must be fixed and maintained. He introduced members of the White Mountain Lake Advisory Board and stated Mr. Cook and Mr. Kurth are also here. Roy Loeffler addressed the board stating he lives in White Mountain Lakes and is considered Lake Patrol. He advised that concerns were expressed to him by residents regarding the safety of the dock and he displayed pictures depicting non-maintenance. Don Anderson Cosgrove, a member of the White Mountain Lake Advisory Committee, stated he rents one of the spaces and recognizes there are problems that need to be addressed. He said the approach must be maintained when the monsoons come or they should put in gravel walkway with the developer taking that responsibility. Lem Cook, the previous developer advised the previous dock contract was with him as he built the docks; he later assigned dock maintenance to New Horizons. He reported: it is part of his responsibility to manage the docks; there have been several monsoons this year impacting maintenance; one renter did call and maintenance was down the next day to bring the docks back up; later additional rains came and they had to move the dock again. He reported he spoke with Mr. Kurth and he will address these drainage issues; he displayed a picture taken last night showing the docks are in good shape; with the monsoons the lake comes up in a quicker fashion; when there are high winds, the dock will not line up with concrete ramp; he understands the responsibility and intends to take corrective action. Steve Kurth, managing member of New Horizon Villas, advised: overlooking the payment was a clerical error and that has been rectified; they have started developing on Bourdon Ranch Road so he will have his "dirt" guys go out and see what they can do to maintain the dock. Supervisor DeSpain thanked Mr. Kurth for his effort to correct the dock. In response to a question from Chairman Tenney and Supervisor DeSpain, Mr. Kurth and Mr. Hager discussed the district's and the developer's responsibility in the contract. Supervisor Tenney inquired if he had a problem with district's assessment that he needs to fix the walkway and Mr. Kurth said he had none whatsoever. After determining the developer and the advisory group are willing to work together to solve this problem, **Supervisor DeSpain made a motion** that this matter be tabled to give an opportunity for issues to be addressed and to bring this item

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

PUBLIC WORKS:

a. Mountain View Improvement District formation: Carol Fraley reviewed a plat map of the area to be included in the Mountain View Improvement District, advising that the petition to form went to the Assessor's office with a request by 79.59% of the property owners representing 79.98 of the acreage for the formation of this improvement district. She advised Mountain View Lane and West Settlers' lane will be the two roads being brought up to county standards. In response to a question from Supervisor Brownlow, Ms. Fraley advised the district will tie into the paving of Woodland Road.

i. Consideration and possible approval of Resolution Number - 07 setting a public hearing for October 16, 2007 @ 9:00 a.m. for the formation of Mountain View Improvement District

ii. Consideration and possible action to set the bond for associate cost of the formation

Supervisor Brownlow made a motion to approve **Resolution Number 72 - 07** setting a public hearing for October 16, 2007 @ 9:00 a.m. for the formation of the Mountain View Improvement District and setting a \$500.00 bond for associate costs of formation; motion seconded by Supervisor Thompson; vote unanimous approving the motion. In response to a question from Supervisor Deal, Ms. Fraley advised that "road" could be added to the name of the district. Supervisor Brownlow thanked Ms. Fraley for moving this project forward.

b. Navajo County Flood Control District: Board of Directors' Session: Update on conversion of Flood Insurance Rate Maps to Digital Format: **Supervisor DeSpain made a motion** to enter into the Navajo County Flood Control District **Board of Directors' Session** session; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. Supervisor Tenney welcomed Police Chief Hartup who has worked with County staff on this issue. Flood Control Director Homero Vela reviewed and discussed outreach efforts for the DFIRM project; the preliminary maps that FEMA will mail the week of September 28 with the maps to be final in September of 2008; parcels that will be added to the flood plain in this process; Winslow is provisionally accrediting the Ruby Wash and Ruby Wash Diversion Levee; Holbrook is provisionally accrediting the Holbrook Levee Systems; the county is acting as a funding partner with Winslow and Holbrook; Linden Draw/Hogwash will add 93 parcels to the flood plain; letters of notification will go to the owners who are impacted by this study and there will be outreach meetings to answer property owner questions; the Cottonwood Wash floodplain grew a little bit impacting 10-20 parcels; Winslow and Holbrook notified that they have been provisionally accredited by FEMA for their requested action; I-40 is not accepted by FEMA as a levee; re-certification costs as previously approved by the board represent approximately 50% of the cost this year and the board will need to consider additional costs this year. He stated that this process can not be stopped but insurance costs for residents can be minimized through outreach efforts. In response to a question from Supervisor DeSpain, Mr. Vela stated the federal government is responsible for certification of dams; FEMA does not consider dams but authorizes ADEQ to work with governmental entities to consider dams. He advised there are problem dams in the county but that is a different issue. He gave specific examples of insurance cost savings that could occur by grandfathering in the flood zones, advising there will be insurance experts available to calculate insurance costs very closely to how the property owner would be impacted. He reviewed the timelines for upcoming activities and outreach meetings; the Open House forum as booths where each booth is designed to answer a specific question or concern about a specific property in a short period of time; that there are partners for the outreach program; Snowflake, Taylor, Winslow and Holbrook have worked very actively with the county and the other municipalities in the county are not as greatly impacted. He said they realize they will be delivering bad news, that even though residents have always been in a flood plain they will now be on a flood plain map and they are going to try to grandfather these zones to reduce the financial impact. Mr. Vela advised when they have exact parcel numbers mailings will go out to owners and the board will be

notified of such. Supervisors and County Manager Jayne thanked Mr. Vela and his staff for their efforts on this project. **Supervisor Brownlow made a motion** to return to regular session; motion seconded by Supervisor Thompson; vote unanimous approving the motion.

- c. **PUBLIC HEARING:** Consideration and possible approval of **Resolution Number _____ - 07** for a **Special Development Master Site Plan Amendment for “Sierra Springs Ranch” development for APN: 311-37-005 and 006 in Township 9 North, Range 23 East, Sections 17 and 34 in the Pinetop Country Club area:** Telford Chapman reviewed the site map, the staff report, and Planning and Zoning Commission action. Supervisor Tenney invited public comment for this public hearing and there was none. **Supervisor Brownlow made a motion** to approve by **Resolution Number 73 - 07** a Special Development Master Site Plan Amendment for “Sierra Springs Ranch” development for APN: 311-37-005 and 006 in Township 9 North, Range 23 East, Sections 17 and 34 in the Pinetop Country Club area; motion seconded by Supervisor Thompson; vote unanimous approving he motion. Bill Fraley advised there would be an amendment to the final plat to reflect board action today.

BOARD BUSINESS: Supervisors reported on activities within their district and issues that impact them. Supervisor DeSpain thanked the board, County Manager and staff for the hard work preparing for and during the fair, stating it had been a tremendous success. He invited Chief Hartup to comment on the fair and Chief Hartup stated this was his third fair since coming to Holbrook and that it was a very successful event that did experience a few needs for law enforcement. He stated that collective efforts resulted in a safe fair and he commended his staff, the Navajo County Sheriff’s department and security volunteers for working together. Supervisor Deal expressed appreciation to Dusty Parsons for participating with him and Supervisor Thompson in a tour with the Navajo Department of Transportation and three high level administrators within Federal Highway Administration of Navajo Nation roads in Navajo County. He discussed the success of this tour, past efforts to form cooperative partnerships to address washouts such as the Oraibi Wash, and his pleasure that out of this tour efforts are being made between the Hopi Tribe and the BIA to fix this wash. He expressed appreciation to Pinon Unified School District Superintendent Larry Wallen for hosting this event, NDOT and to the Tomhave group in Washington DC representing the county on these issues. Supervisor Tenney announced that former Supervisor Shumway is in the hospital and requested all keep him in their prayers.

James Jayne announced the Tomhave Group will be here the week of October 22, 23, 24 to look at various transportation issues around the county and Brandy Tomhave will then meet with NDOT and NACOG. He reported seven county officials started the Certified Public Management program last week at ASU and this very successful leadership program will be beneficial to the county.

ADJOURN: At 11:58 a.m. **Supervisor DeSpain made a motion** to adjourn; motion seconded by Chairman Thompson; vote unanimous approving the motion.

APPROVED:

DATE:

J. R. DeSpain, Vice-Chairman

ATTEST:

Darlene Fraley, Clerk of the Board