

**NAVAJO COUNTY BOARD OF SUPERVISORS' MINUTES**  
**TUESDAY, October 26, 2010**

**PRESENT:** Jerry Brownlow, Supervisor; J.R. DeSpain, Supervisor; David Tenney, Supervisor and Jesse Thompson, Chairman were present. Jonathan M. Nez, Supervisor was present telephonically.

**9:04 a.m. Call To Order:** Pledge of Allegiance and Invocation were led by **Supervisor Brownlow**.

**CALL TO THE PUBLIC:** Donna Denzer addressed the Board regarding wind turbines.

**CONSENT AGENDA:** a) Minutes: August 24, September 3, September 14, September 28 and October 12, 2010 b) Constable Reports: Winslow Precinct #2, September; Snowflake Precinct #3, September; Show Low Precinct #5, September; and Pinetop Precinct #6, September, 2010 c) Assessment and Tax Roll Corrections d) Swank Motion Pictures Inc., Public Performance Licensing Agreement for Correctional Institutions e) Governor's Office of Highway Safety's Contract #2011-AL-036 in the amount of \$20,583 for DUI Enforcement activities f) Local Workforce Investment Board (LWIB) recertification documents g) FY2010 State Homeland Security Grant Program sub-grantee agreements totaling \$78,832.00 h) Quit Claim Deed to fix Treasurer's Deed that was recorded in error i) Authorize the Navajo County Attorney's office to negotiate to hire Tom Watson of Gust Rosenfeld to represent Navajo County in a Property Tax appeal Snow Creek Development, LLC v. Navajo County, TX2009-000913: **Supervisor Brownlow made a motion** to approve the consent agenda as presented; motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion.

**BOARD OF SUPERVISORS:**

- a. Quality Emulsions and Navajo County Recognizing Excellence: James Jayne recognized Rod Ross for his outstanding service to Navajo County. Supervisor DeSpain, Supervisor Brownlow and Supervisor Tenney made comments.
- b. Navajo County Cost Cutting Department Award: James Jayne recognized the Information Technology team.

**HUMAN RESOURCES:** Consideration and possible approval of Personnel Actions: Gail Calisen discussed the 22 item personnel action report. **Supervisor Tenney made a motion** to approve the personnel action report as presented; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.

**COUNTY ATTORNEY:** Request Board approval to hire outside legal counsel, specifically the firm of Barker, Higgins and Hesse, to provide legal representation for Navajo County officials/employees in connection with defense interviews being conducted in State of Arizona v. Joseph Blake; legal representation shall be limited to representing the county witnesses in their official capacities and the billing rate of the firm shall be \$150.00, and the total maximum spent not to exceed \$2,000.00, The Board may go into Executive Session pursuant to A.R.S. §38-431.03(A)(3): Brad Carlyon discussed the item. **Supervisor Tenney made a motion** to approve to hire outside legal counsel as presented; motion seconded by **Supervisor DeSpain**. Vote unanimous approving the motion.

**PUBLIC WORKS:**

- a. Consideration and possible award of Contract #B10-09-028 Supply & Delivery of Roadway Materials to the Navajo Nation to Brimhall Sand and Rock and Building Materials Inc.: Homero Vela discussed the item and answered questions of the Board. **Supervisor DeSpain made a motion** to award Contract

#B10-09-028 Supply & Delivery of Roadway Materials to the Navajo Nation to Brimhall Sand and Rock and Building Materials Inc.; motion seconded by **Supervisor Nez**. Vote unanimous approving the motion.

- b. Consideration and possible adoption of **Resolution Number 56-10**, Attachment E to the Intergovernmental Agreement (IGA) between the Navajo Nation and Navajo County to increase the contract from \$5,163,183.00 to \$5,313,183.00: Homero Vela discussed the item. **Supervisor Nez made a motion to adopt Resolution Number 56-10**, approving attachment E to the Intergovernmental Agreement (IGA) between the Navajo Nation and Navajo County to increase the contract from \$5,163,183.00 to \$5,313,183.00; motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion.
- c. **NAVAJO COUNTY FLOOD CONTROL DISTRICT Board of Directors Session**: Consideration and possible approval to set a Public Hearing on November 23, 2010 to take action on the reorganization of the Little Colorado Flood Control District as a zone of the Navajo County Flood Control District: **Supervisor DeSpain made a motion** to enter into the Navajo County Flood Control District **Board of Directors Session**; motion seconded by **Supervisor Nez**. Vote unanimous approving the motion. Trent Larson discussed the item and answered questions of the Board. **Supervisor DeSpain made a motion** to approve a Public Hearing on November 23, 2010 to take action on the reorganization of the Little Colorado Flood Control District as a zone of the Navajo County Flood Control District; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion. **Supervisor Tenney made a motion** to return to regular session; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.
- d. **PUBLIC HEARING**: Consideration and possible approval of **Ordinance Number 06-10**, an amendment to Article 20 of the Navajo County Zoning Ordinance to define and regulate Wind Energy Generation Facilities through the issuance of Special Use Permits: Greg Loper discussed the wind ordinance. Chairman Thompson opened the public hearing. Luke Miller and T. J. Bird spoke in favor of the item. Bill White spoke in opposition of the item. Del Lewis spoke in opposition of the item. Karen Ingersoll spoke in opposition of the item. Carey Kling spoke in support of the item. Bill Elkins with Rocking Chair Ranch spoke in support of the item. David O'Grady spoke regarding property rights. Mark Stacy Director for development of Iberdrola Renewables addressed the Board in support of the Ordinance. John Sherman Iberdrola plant manager for Dry Lake I and Dry Lake II spoke in support of the Ordinance. Chris Bergen developer for Dry Lake II spoke in favor of the Ordinance. Kristen Goland Senior Permit Manager of Iberdrola Renewables spoke in support of the Ordinance. Trudy Lipsys spoke in opposition of the Ordinance. Lois Munsil-Hunt spoke in opposition of the Ordinance. Sandy Verdrin spoke in opposition of the Ordinance. Douglas Verdrin spoke in opposition of the Ordinance. Kay Turner spoke in opposition of the Ordinance. Dannette Weiss spoke on behalf of the Arizona Game and Fish department regarding setbacks and reports of the Ordinance. Itasca Small spoke in opposition of the Ordinance. Debora Polyniak spoke in opposition of the Ordinance. Steen Hviid spoke in opposition of the Ordinance. Mike Denzer spoke in opposition of the Ordinance. Donna Denzer spoke in opposition of the Ordinance. Susan Molloy spoke in opposition of the Ordinance. James R. Mills spoke in opposition of the Ordinance. Thomas Poscharsky Council member of the Town of Snowflake spoke in favor of the Ordinance. Steve Brophy President of Aztec Land and Cattle Co. spoke in favor of the Wind Ordinance. James Shourd spoke in opposition of the Ordinance. Eric Duthie Town Manager of Taylor spoke in favor of the Ordinance. Kerry Ballard, Vice Mayor of Snowflake spoke in favor of the Ordinance. Paul Watson Town Manager of Snowflake spoke in favor of the Ordinance. Aron Hatch of Hatch Construction spoke in favor of the Ordinance. Chairman Thompson closed the public hearing. Discussion was held regarding the proposed Ordinance. **Supervisor DeSpain made a motion** to

approve Ordinance number 06-10 with the revisions recommended by staff; motion seconded by **Supervisor Nez**. **Supervisor Tenney** indicated that he believes staff has done an excellent job and he felt that they are on the right track but he is having a hard time without something for those that have not built a home yet. More discussion is held. **Supervisor DeSpain amended his motion to include any parcel that is undeveloped that is 2 ½ acres or smaller will have a ½ mile setback and anything larger than 2 ½ acres will have a ¼ mile setback plus in the ordinance a ½ mile setback to any home will remain the same as recommended by Supervisor Tenney**; motion seconded by **Supervisor Nez**. Vote unanimous approving the motion.

- e. Consideration and possible adoption of **Resolution Number 57-10**, adopting the “Sound Requirement Guidelines for Wind Energy Generation Facilities”: Greg Loper discussed the item and answered questions of the Board. Chairman Thompson opened the public hearing. Steen Hviid spoke regarding a number of issues on the Sound requirement. Itasca Small spoke against the item. Mike Denzer spoke regarding blasting. Christen Warwick spoke against the item. Sandy Verdrin spoke against the item. Itasca Small spoke again against the item. Chairman Thompson closed the public hearing. Greg Loper addressed some of the issues brought up during the public hearing. Discussion was held. **Supervisor DeSpain made a motion to adopt Resolution Number 57-10**, adopting the “Sound Requirement Guidelines for Wind Energy Generation Facilities”; motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion.

**COUNTY BUSINESS UPDATE**: Report from Board members, County Attorney and County Manager: Mr. Jayne recognized Rod Ross for his outstanding vision and dedication to excellence. The Board thanked Rod Ross for all that he does.

The Board sang Happy Birthday to Manny Hernandez.

**BOARD OF SUPERVISORS**: Supervisor DeSpain indicated that no one has signed in for the auction and the time is now 1:25 p.m.

- a. Navajo County 2010 Back Tax Land Auction (ARS §42-18302):

**Prospective purchasers are advised that:**

- **All sales are final**
- **Seek advice on the marketability of title conveyed by Treasurer’s Deed**
- **Examine property before purchasing**
- **Check the Assessor’s map for location of the parcel**
- **No warranties or guarantees as to the size or condition of property**
- **No refunds will be made**

- b. Consideration and possible action to deem all properties sold as auctioned: **Supervisor DeSpain made a motion** to allow the Clerk of the Board to sell the parcels over the counter for the amount due; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.

**ADJOURN**: At 1:28 p.m. **Supervisor DeSpain made a motion** to adjourn; motion seconded by **Supervisor Nez**. Vote unanimous approving the motion.

**APPROVED:**

**DATE: December 27, 2011**

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**David Tenney, Chairman**

**ATTEST:**

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**Melissa W. Buckley, Clerk of the Board**

**Electronic recording of the Board of Supervisors Meeting is available for review  
upon a Public Records Request**