

NAVAJO COUNTY BOARD OF SUPERVISORS' MINUTES
TUESDAY, August 23, 2011

PRESENT: Jesse Thompson, Supervisor and J.R. DeSpain, Vice-Chairman were present in the Board Chambers. David Tenney, Chairman was present telephonically.

9:17 a.m. Call To Order: Pledge of Allegiance and Invocation was led by **Supervisor Thompson**.

CALL TO THE PUBLIC: Itasca Small addressed the Board regarding notification of the Public Hearings on the Special Use Permits. Lois Muntzell addressed the Board regarding the request of Res Americas Special Use Permit's. Supervisor DeSpain made comments.

CONSENT AGENDA: a) Constable Reports: Snowflake Precinct #3, June & July and Pinetop-Lakeside Precinct #6, June & July, 2011 b) Appointment of Consolidated Polling Places & Poll Workers for the upcoming Special Election to be conducted on November 8, 2011 c) Assessment and Tax Roll Corrections d) Letter to the Arizona Department of Corrections, Charles L. Ryan in Support of the 1,000 bed detention facility in the City of Winslow e) Appropriation of County Funds for the Fiscal Year 2011-2012 for Cooperative Extension f) Request for expenditure of State and Local Fill the Gap Funds for FY12 g) Letter of Support to the Hopi Tribe for submission of the Transportation Investments Generating Economic Recovery ("TIGER") Grant applications for BIA H-60 project: **Supervisor Thompson made a motion** to authorize the Chairman to sign the items in the consent agenda as presented; motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion.

BOARD OF SUPERVISORS: RSC Rental Corporation and Navajo County Recognizing Excellence: Sheriff Clark recognized Lt. John James for his leadership in the Navajo County Sheriff's Office. Brad Carlyon recognized Joe Clark for his selection as the 2011 Misdemeanor Prosecutor of the Year by the Arizona Prosecuting Attorney's Advisory Council.

SUPERIOR COURT: Introductions of Chief Judge Lawrence Winthrop and Vice-Chief Judge Pat Irvine with the Arizona Court of Appeals: Judge Ruechel introduced Arizona Court of Appeals Division I, Chief Justice Lawrence Winthrop to the Board. Judge Ruechel thanked the Board of Supervisors for their support. Justice Winthrop made comments about Navajo County Judiciary's system. He indicated that he is also Vice Chair of Judicial Conduct therefore he gets to review the behavior of Navajo County judges and is glad to hear that Navajo County is so supportive of our judiciary. Judge Ruechel introduced Vice Chief Justice Patrick Irvine. Vice Chief Justice Irvine thanked the Board. Vice Chairman DeSpain introduced other Navajo County Elected Officials that were present. Supervisor Thompson made comments.

HUMAN RESOURCES: Consideration and possible approval of Personnel Actions: Shalice Cook reviewed the 28 item personnel action report. She indicated that there is a correction of item number 22 regarding the effective date; the effective date should be August 19 instead of August 22. **Supervisor Thompson made a motion** to approve the items in the personnel action report as presented and with the correction of item number 22; motion seconded by **Supervisor Tenney**. Vote unanimous approving the item.

TREASURER: Acknowledgment of Annual Report of collections, delinquencies and settlement of accounts: Manny Hernandez discussed the annual report of collections, delinquencies and settlement of accounts in accordance with A.R.S. §42-18002. He further discussed the total amount charged for collection for the fiscal

year 2010-2011, the amount of increase and decrease due to corrections, and the total amount of unpaid taxes on the roll as of the year 2010-2011. He further discussed the real property 2010 tax collection re-cap. **Supervisor Thompson made a motion** to acknowledge the Treasurers Annual report; motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion. **Supervisor Thompson made a motion** to authorize the Treasurer to invest and reinvest funds pursuant to A.R.S. §35-327G; motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion. **Supervisor Thompson made a motion** to approve the report of the Treasurers' Processing fund; motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion. The Treasurer handed out a packet of information containing comments by the County's Investment Advisor Bob Moore, Bond Market Reviews, topic of what the downgrade means for the US Treasury's and the latest weekly market update to keep the Board updated with information on the market.

SUPERINTENDENT OF SCHOOLS: Consideration and possible approval of an amendment to an Intergovernmental Agreement between the Arizona Supreme Court, the Navajo County School Superintendent and the Navajo County Board of Supervisors for FY2011 carry over Title I funds for juvenile detention education services: Linda Morrow discussed the item. **Supervisor Thompson made a motion** to approve the amendment to the Intergovernmental Agreement between the Arizona Supreme Court, the Navajo County School Superintendent and the Navajo County Board of Supervisors for FY2011 carrying over Title I funds for juvenile detention education services; motion seconded by **Chairman Tenney**. Vote unanimous approving the item.

10:07 a.m. Chairman Tenney is present in person.

Jimmy Jayne thanked Linda Morrow for her service as President of Arizona Association of County School Superintendents.

EMERGENCY MANAGEMENT: Consideration and possible adoption of a proclamation declaring September, 2011 as "National Preparedness Month": Dusty Parsons discussed the item. **Supervisor DeSpain made a motion** to adopt the proclamation declaring September, 2011 as "National Preparedness Month"; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

FINANCE: Consideration and possible approval of professional services contract with Applied Engineering for HVAC system review in the amount of \$4,950.00: Mary Springer discussed the item. **Supervisor DeSpain made a motion** to approve the professional services contract with Applied Engineering for HVAC system review in the amount of \$4,950.00; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

PUBLIC WORKS:

- a. **Consideration and possible award of Contract #B11-07-007 Hot Asphaltic Concrete Pavement Overlay (Show Low Area) to Combs Construction Company, Inc.:** Homero Vela discussed the item. **Supervisor DeSpain made a motion** to approve the award of Contract #B11-07-007 Hot Asphaltic Concrete Pavement Overlay (Show Low Area) to Combs Construction Company, Inc; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.
- b. **Consideration and possible approval of Special Road Fund expenditures to assist Town of Snowflake and Town of Taylor in improving the road conditions on Freeman Hollow Road:** Homero Vela discussed the item. **Supervisor DeSpain made a motion** to approve from District III and District IV Special Road Funds not to exceed \$40,000 from each District; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

- c. **Public Hearing:** Consideration and possible adoption of Resolution Number 44-11, approving the Amendment to the Master Development Site Plan for the Pinecrest RV Resort, subject to the stipulations noted in the staff reports: Greg Loper discussed the item. Chairman Tenney opened the public hearing, there being no public comment, closed the public hearing. **Supervisor DeSpain made a motion to adopt Resolution Number 44-11** approving the Amendment to the Master Development Site Plan for the Pinecrest RV Resort, subject to the stipulations noted in the staff reports; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.
- d. **Public Hearing:** Consideration and possible adoption of Resolution Number 45-11, approving a Special Use Permit for Aurora Solar, LLC, to place a solar power generating facility that utilizes photovoltaic cells, located on approximately 397.55 acres located within the existing Dry Lake II wind farm project, subject to the stipulations as outlined in the staff report: Greg Loper discussed the item. Chairman Tenney opened the Public hearing, there being no comment, closed the public hearing. **Supervisor DeSpain made a motion to adopt Resolution Number 45-11** approving the Special Use Permit for Aurora Solar, LLC, to place a solar power generating facility that utilizes photovoltaic cells, located on approximately 397.55 acres located within the existing Dry Lake II wind farm project, subject to the stipulations as outlined in the staff report; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.
- e. **Public Hearing:** Consideration and possible adoption of Resolution Number 46-11, approving an Amendment to a Special Use Permit for RES (“Renewable Energy Systems”) Americas to place a temporary meteorological tower (M1), with a height of 265 feet, on a footprint of approximately 2.9 acres located in an area generally known as “Antelope Valley”, approximately 10 miles northeast of Heber: Greg Loper discussed the item. Chairman Tenney opened the public meeting. Itasca Small addressed the Board regarding the Special Use Permits requested by RES on all three items. Mike Denzor addressed the Board against the Special Use Permits. Donna Denzor addressed the Board against the item. Brian Henning, 1101 W. 120th Ave, Springfield, Colorado, with RES Americas addressed the Board regarding RES request for Special Use Permit. Discussion was held regarding Bald Eagles, Golden Eagles and Verizon Towers. Mr. Henning stated that the complaint has never been heard, however they will do research with cell companies. Steve Brophy addressed the Board regarding the RES Special Use Permits. Supervisor DeSpain made comments indicating that there is no conflict of interest because he is not part of the DeSpains that have ownership in Aztec-DeSpain LLC. Supervisor Thompson asked about the LLC Delaware Corporation. Discussion was held. Lois Munsell Hunt addressed the Board regarding A.R.S. §10-1501. Lance Payette indicated that the issue needed to be raised with the Arizona Corporation Commission, not Navajo County. Chairman Tenney indicated that we do not have issue with what we have no jurisdiction over. Itasca Small addressed the Board regarding LLC and Corporation Commission. Chairman Tenney closed the public hearing. **Supervisor DeSpain made a motion to adopt Resolution Number 46-11** approving the Amendment to a Special Use Permit for RES (“Renewable Energy Systems”) Americas to place a temporary meteorological tower (M1), with a height of 265 feet, on a footprint of approximately 2.9 acres located in an area generally known as “Antelope Valley”, approximately 10 miles northeast of Heber; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.
- f. **Public Hearing:** Consideration and possible adoption of Resolution Number 47-11, approving an Amendment to a Special Use Permit for RES (“Renewable Energy Systems”) Americas to place a temporary meteorological tower (M2), with a height of 265 feet, on a footprint of approximately 2.9 acres located in an area generally known as “Antelope Valley”, approximately 10 miles northeast of Heber: Greg Loper discussed the item. Chairman Tenney opened the public hearing. Itasca Small addressed the Board regarding the Bald Eagle. Lance Payette clarified the LLC extension issue.

Supervisor Thompson made a motion to adopt **Resolution Number 47-11** approving the Amendment to a Special Use Permit for RES (“Renewable Energy Systems”) Americas to place a temporary meteorological tower (M2), with a height of 265 feet, on a footprint of approximately 2.9 acres located in an area generally known as “Antelope Valley”, approximately 10 miles northeast of Heber, motion seconded by **Supervisor DeSpain**. Vote unanimous approving the motion.

- g. **Public Hearing:** Consideration and possible adoption of Resolution Number 48-11, approving an Amendment to a Special Use Permit for RES (“Renewable Energy Systems”) Americas to place a temporary meteorological tower (M4), with a height of 265 feet, on a footprint of approximately 2.9 acres located in an area generally known as “Antelope Valley”, approximately 10 miles northeast of Heber: Greg Loper discussed the item. Chairman Tenney opened the public hearing, there being no comments, closed the public hearing. **Supervisor DeSpain** made a motion to adopt **Resolution Number 48-11** approving an Amendment to a Special Use Permit for RES (“Renewable Energy Systems”) Americas to place a temporary meteorological tower (M4), with a height of 265 feet, on a footprint of approximately 2.9 acres located in an area generally known as “Antelope Valley”, approximately 10 miles northeast of Heber; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.
- h. **Public Hearing:** Consideration and possible adoption of Ordinance Number 05-11, approving the Text Amendment to the Navajo County Zoning Ordinance to amend Article 16A regarding the regulation of Medical Marijuana: Greg Loper discussed the item. Chairman Tenney opened the public hearing, there being no comments, closed the public hearing. **Supervisor Thompson** asked about the restriction. Mr. Loper and Lance Payette indicated that any person that has a medical marijuana card has to be at least 25 miles away from a dispensary and each of those people can also have a caregiver that acts on their behalf. **Supervisor DeSpain made a motion** to adopt **Ordinance 05-11** approving the Text Amendment to the Navajo County Zoning Ordinance to amend Article 16A regarding the regulation of Medical Marijuana; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.
- i. **Public Hearing:** Consideration and possible adoption of Ordinance Number 04-11, approving the proposed amendments to Sections 1502, 1802, 1902, 2002, and 3002 of the Navajo County Zoning Ordinance concerning kennels: Bill Fraley discussed the item. Chairman Tenney opened the public hearing, there being no comment, closed the public hearing. **Supervisor DeSpain made a motion** to adopt **Ordinance Number 04-11** approving the proposed amendments to Sections 1502, 1802, 1902, 2002, and 3002 of the Navajo County Zoning Ordinance concerning kennels; Supervisor DeSpain had a question regarding grandfather rights. Lance Payette indicated that if you did not have a kennel under the previous ordinance, you do not have a kennel under the new ordinance; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

COUNTY BUSINESS UPDATE: Report from Board members, County Attorney and County Manager: Supervisor Thompson reported on the Winslow Prison meeting and other meetings that he has attended. Supervisor DeSpain reported on the Winslow 9-11 remembrance, the Navajo County Fair taping, and the Fair Committee meetings and indicated that other counties have expressed interest to the Fair Board President about a tri-county fair. Chairman Tenney reported that he is just about done with CSA outreach. He then indicated that they have visited 14 out of 15 counties and Pima County is the only one left. He indicated he has a meeting with Governor Brewer tomorrow to confirm her as a guest speaker for the CSA Summit. Jimmy Jayne indicated that he is headed to a meeting in Flagstaff for United Way then Bisbee for CMA in Cochise County. Brad Carlyon discussed the Family Advocacy, Victims Service and Bad Check program booth at the Chamber of Commerce Business Expo to promote services that are available for the community. He further discussed the Torreon Women’s Golf Association who chose the Family Advocacy Center for the recipient of \$4,700.00. He

further reported that he hired two new attorneys for the office and that he also attended the meeting in Winslow for the Private Prison Hearing. He further reported the County Attorney's office is participating with Barbara Bruce and the radio station with putting on a program on September 11 to remember the events of that day. He further reported that Navajo County Attorney's office is sponsoring a video contest this fall for the Junior High and High School kids against teen drinking; the winner's video will be played as a Public Service Announcement and explained the contest will end October 31st. Supervisor Thompson reported that he is working with the County Attorney's office to put together a mini conference for abused children.

ADJOURN at 11:50 Supervisor DeSpain made a motion to adjourn; motion seconded by **Supervisor Thompson**. Vote unanimous approving the motion.

APPROVED:

DATE: September 27, 2011

David Tenney, Chairman

ATTEST:

Melissa W. Buckley, Clerk of the Board

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