

**BOARD OF SUPERVISORS
NAVAJO COUNTY, ARIZONA**

September 19, 2005

Board of Supervisors Chambers, Holbrook, Arizona – Time: 9:07 a.m.

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

Mr. Thompson led the Pledge of Allegiance and the Invocation.

CALL TO THE PUBLIC: Mr. Jack Latham of Congressman Renzi’s office offered greetings from Congressman Renzi and encouraged Supervisors to submit nominations for Congressional appointments to military academies, advising of those who are currently appointed from this area, the strength of character these programs build and benefits to the participants. He advised a recent measure has been passed to expand sex offender legislation to cover federally recognized tribal lands and that efforts to combat the northern Arizona methamphetamine problems have received a commitment from the House leadership and must now be passed by the Senate.

CONSENT AGENDA: 1) Voucher list for payment; 2) Tax Roll Corrections; 3) Appointment of Precinct Committee Persons: Maria Donaghy, Barbara Rystad, Holly Hanson, Carol Wright; 4) Name an existing road in the Show Low area “Fieldy Road”; 5) Letter of appreciation to the Town of Pinetop-Lakeside for the use of Woodland Park as a County Supervisors Association meeting place **Mr. Tenney made a motion** to approve the Consent Agenda and authorize the Chairman to sign the items on the Consent agenda; motion seconded by Mr. Thompson; vote unanimous approving the motion.

PUBLIC WORKS: Dusty Parsons, Leida Hatch **Board of Directors Session, Sutter Drive Improvement District:** **Mr. Tenney made a motion** to enter into a **Board of Directors Session** for Sutter Drive Improvement District; motion seconded by Mr. Thompson; vote unanimous approving the motion. Mr. Parsons introduced Fred Rosenfeld who is present to assist in this process and Mr. Brownlow and Mr. DeSpain expressed the Board’s appreciation to Mr. Rosenfeld for his continued assistance.

- 1) **Open Bids for Contract #BO5-07121 and submit all bids to Public Works Director for tabulation:** Ms. Fraley opened the two bids submitted for Contract #BO5-07121 and read for the record that the first bid came from Surface Contracting, Inc., P.O. Box 3708, Glendale, AZ and the second bid came from Hatch Construction and Paving, Inc., P.O. Box 127, Taylor, AZ. Ms. Fraley submitted these bids to Mr. Parsons for tabulation.
- 2) **Recess Board of Directors Session, Sutter Drive Improvement District:** **Mr. Tenney made a motion** to recess the Sutter Drive Improvement District **Board of Directors Session;** motion seconded by Mr. DeSpain; vote unanimous approving the motion.

Mr. Tenney made a motion to return to regular session; Mr. Thompson seconded the motion; vote unanimous approving the motion.

HUMAN RESOURCES: Gail Calisen, Director: **Approval of Personnel Actions:** Ms. Calisen reviewed personnel actions as included on her report advising the Board that September 15 was the first payroll reflecting the previously approved time in position and adjustment to minimum rate increases. She stated the personnel action report does reflect some additional changes since some personnel were hired later and were not included on the original spreadsheet. **Mr. Tenney made a motion** to approve the Human

Resources items as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion. Mr. DeSpain inquired about the status of personnel conflict management instruction and was advised the RFP for this service is still under review and that effective communication classes are scheduled.

SHERIFF'S OFFICE: Sheriff Gary Butler: Discussion and possible authorization for Sheriff's Office to enter into an Interagency Service Agreement with the Department of Public Safety for participation in DUI program that will reimburse Navajo County for overtime and employee related expenses: Sheriff Butler reviewed the submitted IGA that would provide additional funding for DUI intervention on holidays with the amount of funds to be received determined by the amount of over time experienced. **Mr. DeSpain made a motion** to authorize the Sheriff's Office to enter into an Interagency Service Agreement with the Department of Public Safety for participation in the DUI program that will reimburse Navajo County for overtime and employee related expenses; motion seconded by Mr. Tenney; vote unanimous approving the motion.

NAVAJO COUNTY WIA: Gail Sadler

- 1) Discussion and possible approval of IGA with Maricopa County to provide capacity building in local dislocated worker program: Ms. Sadler advised the Board she is withdrawing this item due to the need to amend the document.
- 2) Discussion and possible approval of amendment #4 to DES WIA Contract #E5705009 increasing total contract by \$19,594: **Mr. Tenney made a motion** to approve amendment #4 to DES WIA Contract #E5705009 that increases the total contract by \$19,594; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

ADMINISTRATION/FINANCE: James Menlove

- 1) Discussion and possible approval of a temporary office support specialist for up to six months: Mr. Menlove provided an explanation of the need for the temporary office support specialist in the mail room to release the current mail clerk to work on inventory control operations to complete audit requirements. He advised the funding for this position would be through vacancy savings. **Mr. DeSpain made a motion** to approve the position of temporary office support specialist for up to six months; Mr. Tenney seconded the motion; motion approved by unanimous vote. Mr. Thompson commended the finance department for the strides they have made in past audit procedures especially since they are not fully staffed. Mr. Menlove concurred, stating he would like to recognize his staff when all audits are complete.
- 2) Discussion and possible authorization to create the position of Navajo County Assistant Emergency Services Manager: Mr. Menlove and Larry Dunagan advised the Board of the need for this temporary 12-24 month position to address documentation requirements to continue to receive funding through Emergency Management Services and that funding for this position is from the Sheriff's vacancy savings and potential funding from FEMA. Mr. Bowers inquired if there is a job description to support placement on the salary schedule and Mr. Menlove advised that the job description is in its final stages; this has not been discussed with Public Sector; and the salary schedule placement is determined through reviewing other programs with similar positions and as related to our salary schedule requirements. Jimmy Jayne advised the position would not be filled until the classification, job description and salary range are in place. **Mr. Tenney made a motion** to authorize creating the position of Navajo County Assistant Emergency Services Manager; motion seconded by Mr. Deal. During discussion, Mr. Deal reiterated the need to protect funding through appropriate documentation and the intent to include all three emergency service areas in this planning. He stated the Board should review the completed plan showing the approach, timelines and responsibilities. He stated he would like to involve Native American communities and their governmental entities in the plan. Mr. Dunagan outlined his participation with the Navajo, Hopi and White Mountain Tribes as related to the

County's emergency operation plan (EOP). He stated that the EOP has undergone its first audit for NIMS and FEMA is reviewing the Hazardous Response Plan. The vote was unanimous approving the motion.

SUPERIOR COURT: Presiding Judge Dale P. Nielson, Bobbi Ortega: Discussion and possible action to approve temporary Justice Clerk for Snowflake Justice of the Peace: Ms. Ortega advised the Board that the approval of a temporary clerk is necessary until the return of the regular clerk from medical leave. **Mr. Thompson made a motion** to approve the temporary Justice Clerk for Snowflake Justice of the Peace; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

BOARD OF SUPERVISORS: Supervisor Jesse Thompson: Discussion and possible approval of request for financial assistance for funds to be used to transport Hopi Veterans to and from medical appointments: **Mr. Thompson made a motion** to approve the request for financial assistance for funds to be used to transport Hopi Veterans to and from medical appointments in the amount of \$400.00 to be issued in a manual warrant; motion seconded by Mr. Tenney; vote unanimous approving motion.

PUBLIC WORKS: Dusty Parsons, Leida Hatch, Bill Fraley

- 1) **Public Hearing:** Discussion and possible action to approve by Resolution the proposed Special Use Permit request by Moylen and Joy Owens for the placement of an additional bulk tank for storage of propane: Mr. Fraley reviewed the vicinity location, staff report and stipulations recommended by the Planning and Zoning Commission as related to this Special Use Permit request. It was noted the enclosure only surrounds the end of the tank with valves and piping to comply with fire department close access requirements in the event of a fire. Mr. Dennis Owens addressed the Board requesting support of this Special Use Permit. During discussion it was noted that the 30,000 gallon tank limitation would result in only 24,000 gallons of fuel storage. Mr. Tenney suggested it would be beneficial to amend the stipulation to not exceed a 40,000 gallon tank so 32,000 gallons of fuel could be stored. Mr. Brownlow advised those present that this is a public hearing and requested that anyone wishing to speak opposed to or in support of the item to step forward. No one responded. **Mr. Tenney made a motion** to approve, by **Resolution #63-05**, the proposed Special Use Permit request by Moylen and Joy Owens for the placement of an additional bulk tank for storage of propane with an amendment to the stipulations to increase the tank size to 40,000 gallons; motion seconded by Mr. DeSpain; vote unanimous approving the resolution.
- 2) Discussion and possible action to approve by Resolution the Final Plat and Financial Assurances for the Hidden Oak Subdivision: Mr. Fraley reviewed the history of this subdivision and advised that the Deputy Clerk of the Board is holding the financial assurances. He displayed a vicinity map, reported the Planning and Zoning Commission approved the Tentative Plat for this subdivision with the recommendation that a final plat be prepared for presentation to the Board, reviewed the staff report, advised that there are 21 single family residential units on 8.61 acres, and stated that the portion being held for future light commercial will come back to the Board at a later date. Mr. Paul Dumond, the Hidden Oaks developer, advised the Board that it is their intent to build offices in the designated commercial area and specifics will be brought to the Board when requesting approval. **Mr. DeSpain made a motion** to approve, by **Resolution #64-05**, the Final Plat and Financial Assurances for the Hidden Oak Subdivision; motion seconded by Mr. Tenney; vote unanimous approving the motion with Mr. Deal absent for the vote.
- 3) Discussion and possible action to approve by Resolution the Final Plat and the Financial Assurances for the Bison Ranch Resort Suites, Unit 2 Condominium Subdivision: Mr. Fraley reviewed the Bison Ranch Resort Suites planning and zoning commission approval history, displayed a vicinity map and advised that staff recommends approval of this Final Plat and that financial assurances have been submitted to the Deputy Clerk of the Board. The developer, Gary Martinson, addressed the Board

stating that following the disastrous year of 2002-2003, sales in this area are currently going very well.

Mr. Tenney complimented Mr. Martinson on the quality of this development. **Mr. Tenney made a motion** to approve, by **Resolution #65-05**, the Final Plat and the Financial Assurances for the Bison Ranch Resort Suites, Unit 2 Condominium Subdivision; motion seconded by Mr. DeSpain; vote unanimous approving the motion with Mr. Thompson absent for the vote.

- 4) Discussion and possible action to approve by **Resolution** the Final Plat and the Financial Assurances for the Wolf Pines Unit 2 Subdivision: Mr. Fraley reviewed the staff report and the Planning and Zoning Commission approval history, displayed a vicinity map, advised the Financial Assurances were in the form of a cashier's check and that Mr. Frankel conveys his apologies because he could not be present today but requested that Mr. Brimhall with Murphy Engineering attend to respond to any questions the Board may have. Mr. Brimhall advised the Board this subdivision is in its second phase and that the first phase went very well. **Mr. Tenney made a motion** to approve, by **Resolution #66-05**, the Final Plat and the Financial Assurances for the Wolf Pines Unit 2 Subdivision; motion seconded by Mr. DeSpain; vote unanimous approving the motion with Mr. Thompson absent for the vote. Mr. Brownlow complimented this subdivision, stating that when it originally came before the Board there were several issues and those have been addressed.
- 5) Discussion and possible action to approve by **Resolution** the Final Plat and Financial Assurances for Overgaard Springs Ranch Unit 2 Subdivision: Mr. Fraley reviewed the staff report and the Planning and Zoning Commission approval history, displayed a vicinity map and advised that the design engineer has provided certification that the previously posted \$47,324 financial assurances will complete the sewer system and lift station for the entire project. He also advised the roads in this subdivision are private and will not be County maintained. The developer, Mr. Lillie, advised that the improvement is 99.9% complete with the sewer plant fabricated to be shipped in late October. He said they have worked through all issues with ADEQ. Mr. Tenney complimented the project, stating they are having good luck on the first phase. **Mr. Tenney made a motion** to approve, by **Resolution #67-05**, the Final Plat and Financial Assurances for Overgaard Springs Ranch Unit 2 Subdivision; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

Mr. Parsons acknowledged and expressed appreciation for the amount of effort it had taken by Mr. Fraley to move these developments forward. Mr. Brownlow stated there is a tremendous amount of development going on in the County and expressed appreciation on behalf of the Board to Mr. Fraley for his efforts.

- 6) Discussion and possible action to approve by **Resolution** entering into an Intergovernmental Agreement with the Arizona Department of Transportation for the Chevelon Creek Bridge Rehabilitation Project: Mr. Parsons stated that Congress authorized twelve enhancement activities and the Chevelon Creek Bridge Rehabilitation project is one of those authorized. Mr. Parsons stated that prior to the project being bid adequate notice of closure through local advertisement will be given to local residents and the prison as well as sign notification on the bridge. He stated they hope to go to bid in May and the bridge will be down only six weeks since the contractor will be able to remove the bridge completely and rehab it off-site. **Mr. DeSpain made a motion** to approve, by **Resolution #68-05**, entering into an Intergovernmental Agreement with the Arizona Department of Transportation for the Chevelon Creek Bridge Rehabilitation Project; motion seconded by Mr. Tenney; vote unanimous approving the motion.
- 7) Discussion of past and future expenditures of LTAF II funds and possible authorization for the Public Works Department to submit the SFY 06 grant application in the amount of \$79,676.91: Sherri Hill advised the Board of Supervisors that the LTAF II Fund SFY 06 grant application must be submitted immediately and that she is requesting direction from Board members as to how they would like these funds expended. She advised the Board that approximately \$64,000 will come from LTAF II funds and the 25% local match can be made out of next year's funds. Board members gave direction for fund usage for vehicles for several entities, maintenance and operation costs for these vehicles, and for programs to support transportation needs for the elderly, veterans and special needs populations. Mr.

Deal pointed out that several Navajo County communities are listed to receive their own allocation and inquired what has to be done to list Kayenta to receive allocated funds. Mr. Jayne stated he will contact the CSA staff who handle transportation issues to determine if Kayenta Township would be eligible as a recipient of LTAF funds under the current distribution formula and if not, what change would be required to address this. Mr. Deal raised questions on TEA-21 funding and upon Mr. Bowers' comment that this was a different discussion topic, Mr. Jayne stated that this item will be put on a future agenda.

8) Reconvene recessed Board of Directors Session, Sutter Drive Improvement District: **Mr. Tenney made a motion** to reconvene the recessed Sutter Drive Improvement District **of Directors Session;** motion seconded by Mr. Thompson; vote unanimous approving the motion.

a) Review of bid tabulation:

i. Award of Contract #B05-07121 (if an acceptable bid is received) Mr. Parsons stated that review of the bid tabulations show that Hatch Construction and Paving, Inc. is the lowest responsible bidder and he is recommending award of Contract #B05-07121 based on the amount bid at \$211,647.50. Surface Contracting, Inc. submitted a bid in the amount of \$223,400.00. He reported the entire project that includes Navajo County's participation totals an assessed cost of \$276,647.50, which is less than the engineer's estimate of \$370,000. **Mr. Tenney made a motion** to accept the Hatch Construction and Paving, Inc. bid as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion with Mr. DeSpain absent for the vote.

ii. If no acceptable bid is received, reject all bids received (NOT APPLICABLE)

b) Discussion and possible approval of Assessment Diagram for Sutter Drive Improvement District by Resolution: Ms. Hatch submitted a resolution to approve the Assessment Diagram for the Sutter Drive Improvement District with lots broken out by lot number, parcel number and assessment number, stating that the assessment numbers will correspond to the assessment roll. **Mr. Tenney made a motion** to approve the Assessment Diagram for Sutter Drive Improvement District by **Resolution #69-05;** motion seconded by Mr. DeSpain; vote unanimous approving the motion.

c) Receive a communication from the Superintendent of Streets notifying of the recording of the Assessment for the District: Ms. Hatch submitted a notice to the Board from Superintendent of Streets Dusty Parsons that he has calculated the assessment for the district and he has caused such to be recorded in the office of the Superintendent of Streets. The notice further requests that October 17, 2005 be set as the date to hear any objections to the assessment, that the Board order notice of the hearing on the assessment be given as provided by law, and order that cash demands be made upon all owners of property assessed for such street improvements.

d) Discussion and possible action to fix the time and place for hearing on the assessment, order the mailing of cash demands and giving notice of such hearing by Resolution: Ms. Hatch stated that she is prepared to send the cash demand letters for the assessment and will make notice of the assessment hearing if approved by the Board and that anyone assessed has 40 days to pay the assessment. Mr. Rosenfeld advised that at the October 17 hearing an owner or contractor can raise the question of the legality or fairness of the assessment. He said if there are no written objections the Board may close the hearing but if there are written objects, they must hear them. **Mr. Tenney made a motion** to fix the time and place for hearing on the assessment, order the mailing of cash demands and giving notice of such hearing by **Resolution #70-05;** motion seconded by Mr. DeSpain; vote unanimous approving the motion. Mr. DeSpain inquired if there is an anticipated interest rate and Mr. Rosenfeld stated they do not have a specific interest commitment for this 10 year debt and Ms. Hatch stated they do have a commitment from Bank One to fund.

Paul Dumond, developer for Hidden Oaks, returned to the meeting and approached the Board to

compliment and extend appreciation to Mr. Parsons and Mr. Fraley for their outstanding level of service. He thanked the Board for their support, for being aware of developer issues and assured that his firm would be doing more development in this area.

BOARD BUSINESS: Mr. Tenney reported that he has been in meetings resolving issues with the DWID. He and Mr. DeSpain both complimented the recently held County Fair, stating buildings were in better repair, the auction went well and the fair was better attended this year. Mr. DeSpain expressed appreciation for the Fair Board and other volunteers and congratulated Sam Pogue and his crew for their efforts to make the fair a success. He expressed appreciation to Mr. Menlove and to Mr. Jayne for their hard work and for allowing a secretary from the administration department to assist with the Fair. Mr. Thompson reported he was the Grand Marshall for the Navajo Nation Southwest Fair parade, sharing the spotlight with other elected officials. He said he recently met with Representative Rick Renzi to look at the Bird Springs bridge site and roads leading to it with the intention of creating improvements. Supervisors attended the Winslow 9-11 commemoration and were impressed to hear the National Anthem sung by a young Navajo girl in her native language. Mr. Deal stated that there had recently been 25 individuals representing school, churches and various service organizations receiving training in CPR and first aid at Hard Rock. He said additional training will take place to provide emergency assistance since medical emergency assistance is 60 or more miles away. He reported the community received a 5-year grant totalling \$75,000 per year for injury prevention program with \$25,000 of that resulting from Congressman Renzi's help. He announced that the new health facility was started with funding support from Representative Hayworth and then required Congressman Renzi's assistance in receiving an additional allocation of \$20,000,000 to finish the project. Mr. Brownlow reported that CSA held a very successful legislative summit at HonDah last week and expressed appreciation to staff for the success of the BBQ. Mr. Brownlow reminded everyone of the tour of Judge Nielson's new court room.

ADJOURN: At 11:37 a.m., **Mr. Thompson made a motion** seconded by Mr. DeSpain to adjourn. Motion unanimously approved with Mr. Tenney absent for the vote.

APPROVED:

DATE:

Jerry Brownlow, Chairman

ATTEST:

Clerk/Deputy Clerk of the Board