

**BOARD OF SUPERVISORS  
NAVAJO COUNTY, ARIZONA**

**June 7, 2004**

Supervisors' Chambers, Holbrook, Arizona - Time: 9:05 a.m.

**PRESENT:** J.R. DeSpain, Chairman; Jerry Brownlow, Vice-Chairman; Percy Deal, Member; Jesse Thompson, Member; Pete Shumway, Member; Lance Payette, Deputy County Attorney; Jimmy Jayne, County Manager; and Kathy Hieb, Deputy Clerk of the Board.

Mr. Shumway led the Pledge of Allegiance and offered the Invocation.

**CALL TO THE PUBLIC:** Jack Latham brought greetings from Congressman Renzi, who will be in Pinetop on Saturday, June 12<sup>th</sup>. Lissa Davis advised the Board that she has resigned, effective in two weeks.

**CONSENT AGENDA:** **Mr. Brownlow made a motion** to authorize the Chairman to sign the items in the Consent Folder; motion seconded by Mr. Thompson; vote unanimously carried. The following items were included in the Consent Agenda: 1) Voucher list for payment; 2) Juvenile Justice System report (April); 3) Clerk of Superior Court report (April); 4) Constable reports: (April) Holbrook #1; Winslow #2; Snowflake #3; Show Low #5; Pinetop #6; 5) Justice of the Peace Reports: (April) Holbrook #1; Winslow #2; Snowflake #3; Kayenta #4; Show Low #5; Pinetop #6; 6) Back Tax Deeds: 105-33-027; 105-36-241, 249, 250, 251, 252, 253; 105-34-367, 404, 034, 035, 036, 042; 105-34-362, 224, 187, 178, 135; 105-58-431; 105-33-014, 015, 023; 7) Public Works: Name an existing road in the Snowflake area, "Mill Road"; Name an existing road in the Heber/Overgaard area, "Forest Hill Lane"; Name an existing road in the Joseph City area, "Windy Road"; 8) Public Works: **Resolution** abandoning a portion of a roadway in the Overgaard area; 9) Development Services: **Resolution** approving a Special Use Permit requested by Robert Carlson to allow for continued use as a construction contractor yard on APN 211-11-012N & P, Misty Mountain area.

**BOARD OF SUPERVISORS:** Kathy Hieb, Deputy Clerk: 1) Bid Opening, #B04-05121, County Newspaper Services: There were three bids received. They were opened by the Deputy Clerk and read as follows: White Mountain Publishing: \$2.99 for 1<sup>st</sup> publication; \$2.49 each additional publication; Holbrook Tribune: \$1.10 for 1<sup>st</sup> publication; \$1.00 each additional publication; Navajo Times: Bid was non-compliant (bids were to be presented at a rate per column inch; this bid was submitted at \$2.00 per line) **At this point, Mr. Shumway made a motion** to continue this matter to 1:30 p.m. today; motion seconded by Mr. Brownlow; vote unanimous approving the motion. When the Board reconvened, the Clerk presented a recommendation, based on the bids presented, that the contract be awarded to the low bidder, Holbrook Tribune. **Mr. Shumway made a motion** to award the County Newspaper Services contract to the low bidder, Holbrook Tribune, as recommended; motion seconded by Mr. Deal; vote unanimous approving the motion.

2) Acceptance of resignation of Constable, Kayenta Justice Court, Precinct #4, and possible appointment of replacement: The Board was advised that the Constable in Kayenta, Larry Wallen, has resigned to pursue other career opportunities. One letter of interest has been received from Christopher Claw, who was present and introduced himself. **Mr. Deal made a**

**motion** to appoint Christopher Claw to replace Larry Wallen as Constable, Kayenta Justice Court, Precinct #4, as presented; motion seconded by Mr. Shumway; vote unanimous approving the motion. **(The Honorable Tom Wing of the Navajo County Superior Court swore in Mr. Claw to office).**

3) **Resolution** to honor Lieutenant Colonel Helen Crofford, for 50+ years of service to the Civil Air Patrol: **Mr. Shumway made a motion** to adopt **Resolution #58-04**, honoring Lieutenant Colonel Helen Crofford for 50+ years of service to the Civil Air Patrol; motion seconded by Mr. Brownlow; vote unanimous approving the motion. (The framed resolution was presented to Ms. Crofford).

**WHITE MOUNTAIN LAKE RECREATION IMPROVEMENT DISTRICT ADVISORY COMMITTEE:** John Hager, Vice-Chairman: **Board of Directors Session:** **Mr. Shumway made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Thompson; vote unanimous approving the motion.

1) Accept resignation of Committee member Charles Belford: The Board was advised that Mr. Belford is ill and can no longer serve. The position has been advertised, but there have been no applicants thus far. **Mr. Shumway made a motion** to accept the resignation of Committee member Charles Belford; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

2) Approve new 10 year contract between the White Mountain Lake Recreation Improvement District and the Silver Creek Irrigation District: The Board was advised that the contract has been restructured to County standards, saves the District money, and provides for continued use of the lake surface by the District. This contract replaces the 1993 contract. **Mr. Brownlow made a motion** to approve the new 10 year contract between the White Mountain Lake Recreation District and the Silver Creek Irrigation District as presented; motion seconded by Mr. Shumway; vote unanimous approving the motion.

3) Approval to expend up to \$6500 to purchase tractor for maintenance work on District property: Mr. Hager explained that the tractor is needed to do maintenance around the lake. It is a used tractor, so there is no need to go out to bid. This is an unbudgeted item, but there are sufficient funds available for the purchase. **Mr. Brownlow made a motion** to approve the expenditure of up to \$6500 to purchase a tractor for maintenance work on District property; motion seconded by Mr. Shumway; vote unanimous approving the motion.

4) Approve District's FY 2004/2005 budget: Mr. Hager stated that the proposed budget is based on the last few years' income and expenditures. It does not include an increase in taxes; the assessment will remain the same. David Bunker stated his concerns regarding the budget process. Mr. Payette noted that Mr. Bunker raised this issue two years ago, and the statutory process was sent to him as well and Mr. Hager. The advisory committee can develop a preliminary budget, but it is up to the Board of Directors to follow the process. Mr. Payette said it is not appropriate to consider the budget today. Mr. DeSpain asked that another district meeting be held for public input into the budget process. Mr. Hager advised that it will be on

the next regular meeting agenda. **No action taken at this time. Mr. Shumway made a motion** to return to regular session; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

**SHERIFF'S OFFICE:** Sheriff Gary Butler/Commander David Burke: 1) Approval to purchase replacement steam tables with conveyor belts for the jail kitchen: Commander Burke explained that the bottoms of the existing steam tables have rusted out due to the hard water, and the conveyor belts are just worn out. Funding for this purchase will come from BOP funds. Mr. Brownlow noted that the Jail Committee met this morning and recommended approval of the request. **Mr. Shumway made a motion** to approve the purchase of replacement steam tables with conveyor belts for the jail kitchen; motion seconded by Mr. Thompson; vote unanimous approving the motion.

2) Approval to authorize Sheriff Butler to add \$2000 to the City of Winslow's reward for information leading to arrest and conviction of suspect(s) in 1999 double homicide in Winslow, in accordance with ARS §11-251.25: Sheriff Butler explained that the statutes allow the County to offer a reward if requested by the Sheriff. The money will not be paid unless information is received which helps solve the case. (Funding would then come from the Sheriff's budget) **Mr. Thompson made a motion** to authorize Sheriff Butler to add \$2000 to the City of Winslow's reward for information leading to arrest and conviction of suspect(s) in 1999 double homicide in Winslow, pursuant to ARS §11-251.25; motion seconded by Mr. Deal; vote unanimous approving the motion.

**EMERGENCY SERVICES:** Commander Larry Dunagan, Director: 1) Approval of Navajo County Local Emergency Planning Committee (LEPC) and by-laws for the LEPC: Commander Dunagan explained that since the LEPC never adopted any by-laws, it did not fulfill the requirements as listed by ASERC and is therefore not eligible for grant funding. Commander Dunagan presented the proposed by-laws, which have been reviewed and approved by Mr. Payette. Once the Board adopts these by-laws, Navajo County will be eligible for 2005 grant funds. **Mr. Brownlow made a motion** to approve the Navajo County Local Emergency Planning Committee (LEPC) and by-laws for the LEPC, as presented; motion seconded by Mr. Thompson; vote unanimous approving the motion.

2) Fire update: Commander Dunagan advised that the entire state is at a critical fire danger level. The weather forecast for the week is for hotter and windier conditions. The biggest problem area is Show Low, Pinetop-Lakeside and Wagon Wheel. It is possible that if a fire gets away in Forestdale Canyon, it could be in the Show Low area within three hours. **No action taken; informational only.**

**SPECIAL DISTRICTS:** Bill Cox, Public Works Director & James Menlove, Finance Director: 1) **Board of Directors Session** Scott's Pine North Improvement District: Approval of contract with Delph Engineering for the survey and design of the improvements: **Mr. Brownlow made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Shumway; vote unanimous approving the motion. The Board was advised that Delph Engineering has already

completed the background work for the developer of the adjacent proposed Wagon Wheel Meadows subdivision, and has prepared the initial design for that subdivision. Because of their expertise in the significant drainage and flooding questions, Delph Engineering can provide a more cost effective engineering design for this Improvement District than can county staff. Delph has submitted a proposal in the amount of \$24,800 for the work, with progress payments during the work period. However, their fee will increase by \$10,000 if payment will be in a lump sum when final plans are accepted. Staff recommends that the funds for the progress payments be advanced from the General Fund, to be reimbursed by the Improvement District when the project is completed. Finance Director James Menlove noted that this is not a budgeted item and he will have to find a funding source. Mr. Payette also noted that the statute specifically states that the funds must come from the General Fund. **Mr. Shumway made a motion** to continue this item until a funding source can be identified; motion seconded by Mr. Brownlow. (Motion and second were withdrawn following further discussion) Mr. Deal stated he believes the item was not properly agendized and should be continued until the funding source has been identified. Mr. Payette advised that the Board is being asked to approve the contract with Delph Engineering, and the statute provides for the funding source. He believes the item is properly agendized. Mr. Payette explained that this is a newly formed Improvement District and has no funds at this point. The costs of the improvements go out to the property owners as part of their tax bill. This is why the legislature provided for this funding mechanism. Mr. Deal stated that although the statute says we can provide the funding through the General Fund, he believes we are going about this the wrong way. **Mr. Shumway made a motion** to approve the contract with Delph Engineering for the survey and design of the improvements, as recommended, with funding for the progress payments to come from the General Fund; motion seconded by Mr. Brownlow; vote as follows: Mr. Shumway-aye; Mr. Brownlow-aye; Mr. DeSpain-aye; Mr. Thompson-aye; Mr. Deal-no; motion passes. **Mr. Shumway made a motion** to return to regular session; motion seconded by Mr. Brownlow; vote unanimous approving the motion. (Clerk's note: the motion was made as Resolution #59-04, but a resolution was not necessary).

2) Resolution Fixing amount and approving the bond, fixing time and place of hearing on the question of formation of Canyon Vistas Estates Improvement District for June 21, 2004 at 9:30 a.m.: Deputy County Engineer Dick Young explained that, due to mapping errors, this item is not ready to proceed today. He requested a continuance of this hearing to June 21, 2004 at 9:30 a.m. Mr. Young noted that this is one parcel, one owner. Mr. Payette explained that the statutes say if there is one owner, the Board of Supervisors may summarily order the formation of the Improvement District without a public hearing. That can be done at the meeting on June 21<sup>st</sup> if the Board so desires. **This matter is continued to June 21, 2004 at 9:30 a.m.**

**PUBLIC WORKS:** Bill Cox, Director: 1) Request for funding assistance from District III, IV & V Special Road Funds to provide road maintenance materials pursuant to Navajo County Road Maintenance Policy: Mr. Cox explained that there are 44 miles of roadway within the county's road maintenance system that are in need of ABC material. The current Public Works budget does not have sufficient funds to purchase the amount of material needed to adequately bed the roads. The bedding of these roadways will provide a much smoother road that can be

bladed in a more efficient manner. Funding for this project is requested from Districts III, IV & V Special Road Funds. The roads to be included in this project are in the Pinetop, Heber, Holbrook and Concho areas. Mr. DeSpain requested that a small area in Sun Valley also be included. **Mr. Shumway made a motion** to approve funding assistance from Districts III, IV & V Special Road Funds, in the amount of \$150,000 from each district-total amount \$450,000, to provide road maintenance materials pursuant to Navajo County Road Maintenance Policy, as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

2) Resolution approving an Intergovernmental Agreement (IGA) with the Town of Pinetop-Lakeside for the reconstruction of Woodland Road: Mr. Cox explained that the improvements to Woodland Road have been included in the Capital Improvement Plan (CIP) for five successive years, and \$65,000 has been set aside in each of four successive annual budgets to pay our share of the project costs. This is required based on the IGA with the Town, signed in 1999. In September of 2003, the Board adopted a resolution (#62-03) to enter into an IGA with ADOT for NACOG HURF Exchange Funds in the amount of \$250,457 for this project, for a total of \$770,457 available currently to cover project costs. The most recent cost estimate for the project is \$1.2 million, which does not include engineering design, right-of-way acquisition and construction administration. These items are expected to add approximately 10%, making the total project cost \$1.3 million. The County's total share, including salaries and other "soft" money, is approximately \$500,000, which is about \$250,000 more than was already approved. These additional funds are available within the HURF funding for FY 2004/2005, but the five year CIP needs to be amended to meet the increased county share. Mr. Cox noted that the improvements need to begin as soon as possible, or the paving won't begin until September or October, which carries a real possibility of cold weather and snow. **Mr. Shumway made a motion** to approve the Intergovernmental Agreement with the Town of Pinetop-Lakeside for the reconstruction of Woodland Road, noting that District IV & V Special Road Funds will secure the additional \$250,000 until the 2004/2005 HURF funding is in place; at that time, the Special Road funds will be reimbursed; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

3) Approval of Change Order on Contract #B03-08261, Black Jack Road culvert installation: Mr. Cox advised that this change order will result in a 12.73% cost overrun in the project, due to the design and construction of a flow containment crest on the east side of the channel, and placement of aggregate base material as a replacement for native soil of a lower quality for fill around the culverts. The total cost for this change order is \$10,520, which will come from the savings in the Construction line item. **Mr. Shumway made a motion** to approve the change order on Contract #B03-08261, Black Jack Road culvert installation, as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

4) Approve amendment to the Navajo County Road Maintenance Policy: Mr. Cox advised that this amendment states that the policy applies only to public roads within the Navajo County Maintained Road System. **Mr. Deal made a motion** to approve the Amendment to the Navajo County Road Maintenance Policy as follows: **Note:** *This policy applies only to public roads that are within the Navajo County Maintained Road System. It does not apply to other public*

*roads, such as those within municipalities or those that are part of the Indian Reservation Roads system. Subject to the availability of funds, the Board of Supervisors from time to time may provide special funding for maintenance activities on these other roads, or approve the County's participation in joint road projects, pursuant to intergovernmental agreements with municipalities or federal, state or tribal agencies as is authorized by ARS §11-952; motion seconded by Mr. Shumway; vote unanimous approving the motion.*

**5) Resolution** authorizing the temporary closure of a portion of Mogollon Drive, between SR 277 and SR 260, for construction of safety improvements: The Board was advised that this road closure, if approved, would begin on June 14 and extend through July 16, 2004 to permit the excavation of rock. Due to this large rock excavation necessary for this project, it may not be possible to have the road safe for traffic at the end of each day. Safety will be enhanced by not having traffic through the work site during the project. Through traffic can detour around the project by using SR 277 and SR 260, while local access will be maintained through the adjacent local street system. **Mr. Shumway made a motion** to adopt **Resolution #61-04**, authorizing the temporary closure of a portion of Mogollon Drive, between SR 277 and SR 260, for construction of safety improvements, as presented; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

**ADMINISTRATION:** James Menlove, Finance Director: **Resolution** supporting a regional economic development plan for the Plateau Region: Mr. Menlove explained that the Arizona Department of Commerce has identified eleven economic regions in the state that will be eligible for planning grants (up to \$40,000) to help promote economic development. Southern Apache and Navajo County has been identified as the "Plateau Region". We have been asked for a resolution of support for the grant; this will not require any funding from the County, only in-kind labor to help future consultants gather information. **Mr. Brownlow made a motion** to adopt **Resolution #63-04**, supporting a regional economic development plan for the Plateau Region; motion seconded by Mr. Thompson; vote unanimous approving the motion.

**NAVAJO COUNTY HASHKNIFE SHERIFF'S POSSE:** Mark Reynolds, Captain: Slide presentation re: Canadian Pony Express Ride: **Slide presentation given.**

**HUMAN RESOURCES:** Gail Calisen, Director: Personnel Actions: ( Ms. Calisen was unavailable; Mr. Price presented the personnel actions in her place) **Mr. Thompson made a motion** to approve the personnel actions as submitted; motion seconded by Mr. Brownlow; vote unanimous approving the motion.

**DEVELOPMENT SERVICES:** Lissa Davis, Planner: **Public Hearing: Resolution** approving Zone Change from A-General to C-R (Commercial-Residential) on APN 212-38-018B & C, and 212-38-019C, Lakeside area, as requested by Don R. Oates and William Dupuy: Ms. Davis explained that this matter was considered by the Planning & Zoning Commission on April 15, 2004. After a public hearing, at which one negative comment was presented, the Commission voted unanimously to recommend approval of the requested zone

change. Ms. Davis noted that Special Use Permits have been granted in the past for many properties in this area. There is existing C-R zoning located north of the Navapache facility, which is adjacent to the subject properties, as well as commercial zoning across the street in Pinetop-Lakeside. She added that by approving this request, present and future landowners will be able to operate commercial activities by right. Mr. Dupuy said he purchased the property from the previous owners, who had obtained a Special Use Permit, and were in the process of getting a zone change. He asked that he be allowed to continue to use the property as a commercially zoned property. Don Oates advised that he owns the property next to Mr. Dupuy. He wants to see the frontage on Woodland Road zoned commercial. He added that there are more than 25 businesses, of all different types, on that road already. John Otis said he supports the request as it complies with the general plan. Dave & Judy Button stated they are opposed to this request. They own the adjacent property, and would like to see the area remain as it is, instead of all zoned commercial. Mr. Payette noted that this is a zone change request; the only question before the Board is "is this appropriate for C-R zoning"? Following a brief discussion, the Board asked that the parties and staff sit down and discuss the issues. The parties returned and advised the Board that an agreement had been reached regarding the issues in question. **Mr. Brownlow made a motion** to approve **Resolution #62-04** approving a Zone Change from A-General to C-R (Commercial-Residential) on APN 212-38-018B&C and 212-38-019C, Lakeside area; motion seconded by Mr. Shumway; vote unanimous approving the motion.

**BOARD OF SUPERVISORS:** Worksession re Budget FY 2004/2005: Mr. Menlove advised that the individual department directors and elected officials have been invited to come and meet with him to present any additional budget information he did not previously have. Mr. Menlove presented revenue and expenditure information as of 4/30/04. Revenues collected are \$20,270,589.47, or 87.4%. Expenditures for the same period are \$28,468,188.92, or 72.8%. Mr. Menlove said he believes we are well on our way to exceeding our budgeted revenues for the year, and well under the budgeted expenditures. The Board was presented with budget summaries by department. They were advised that approximately \$600,000 has been pared off the departmental requests, but in the next several weeks, it is hoped that an additional \$400,000-\$500,000 will be taken off the operating budgets. Mr. Menlove presented figures that indicate estimated revenues for FY 04/05 to be \$25,510,687. This year the maximum tax levy will be \$0.63; last year's levy limit was \$0.67.

Mr. Menlove explained that we want to eventually have a budget for 5, 10, 15 and 20 years. We want to have a contingency fund of at least \$2-\$2.5 million and have a longer term financial plan. We would like to start laying that groundwork this year. The Board was advised that there has been an approximate 25% turnover in employees this past year.

Mr. Menlove advised that an offer has been extended to an applicant for the Grants Administrator position. Her name is Linda Yoskowicz and she is from Virginia. She has worked for the Federal Government and the US Department of Justice. She should be joining us around the middle of next month.

There was a brief discussion regarding the Sheriff's expansion plan with 64 additional beds. Mr. Shumway requested a worksession with the Jail Committee regarding this issue. Mr. Brownlow stated he will schedule a meeting for June 21<sup>st</sup>.

**BOARD BUSINESS:** Mr. Jayne advised that an employee lost her daughter in a tragic accident last week. Funeral services are scheduled for Thursday. Mr. Deal advised the Board that a horse died on the reservation last week. Possible diagnoses were botulism or West Nile Virus. Precautionary and preventative measures have been put into place. Mr. Shumway advised he will be going to Washington, DC next week regarding forest issues.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Monday, June 21, 2004, upon a **motion made by Mr. Shumway**; motion seconded by Mr. Brownlow; vote unanimously carried. The meeting adjourned at 3:20 p.m.

**APPROVED:**

\_\_\_\_\_  
J. R. DeSpain, Chairman

Date: \_\_\_\_\_

**ATTEST:**

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Judy Jones, Clerk of the Board