

**BOARD OF SUPERVISORS
NAVAJO COUNTY, ARIZONA**

January 18, 2005

Board of Supervisors Chambers, Holbrook, Arizona – Time:

PRESENT: Jerry Brownlow, Chairman; Percy Deal, Vice-Chairman; David Tenney, Member; Jesse Thompson, Member; J.R. DeSpain, Member; James G. Jayne, County Manager; Lance Payette, Chief Deputy County Attorney; Kathy Hieb, Deputy Clerk of the Board. Mr. DeSpain led the Pledge of Allegiance and the Invocation.

CALL TO PUBLIC: Lee Baiza, Superintendent of the Petrified Forest National Park, presented an update regarding the additional land purchase for the park. He advised that President Bush signed the Bill granting 825,000 additional acres. Although there is no funding source identified yet, they are working on it. Bonnie Kinsey expressed concern to the Board regarding the lack of street lighting in the Heber/Overgaard area. She advised that a pedestrian was killed while walking down the road on November 27, 2004. She is asking for the county's help in this matter.

CONSENT AGENDA: 1) Voucher List for payment; 2) Back Tax Land deeds; 3) Assessments & Tax Roll corrections; 4) Constable Reports: (December) Holbrook #1; Winslow #2; Snowflake #3; 5) Juvenile Justice System Report (December); 6) Letter to Overgaard Townsite Domestic Wastewater Improvement District; 7) Public Works/Planning & Zoning: Appointment of Mr. Caldwell to the Planning and Zoning Commission for District IV. **Mr. DeSpain made a motion** to authorize the Chairman to sign the items in the consent folder; motion seconded by Mr. Thompson; vote unanimous approving the motion.

HUMAN RESOURCES: Gail Calisen, Director: Personnel Actions: **Mr. Thompson made a motion** to approve the personnel actions as presented; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

HEALTH DISTRICT: Mary Tyler, Interim Director: 1) Approve Amendment #3 of Contract #H1461241 with the Arizona Department of Health Services for the Arizona Nutrition Network: **Board of Directors Session: Mr. Thompson made a motion** to enter into a Board of Directors session; motion seconded by Mr. DeSpain; vote unanimous approving the motion. Ms. Tyler advised that this is an ongoing contract. This amendment is a wording change only and allows for transfer of up to 10% of the funds between line items. **Mr. DeSpain made a motion** to approve Amendment #3 of Contract #H146121 with the Arizona Department of Health Services for the Arizona Nutrition Network; motion seconded by Mr. Thompson; vote unanimous approving the motion.

2) Approve Amendment #4 of Contract #HG354355 with the Arizona Department of Health Services for the Tobacco Education and Prevention Program: Ms. Tyler explained that this is an ongoing contract. This amendment amends the Scope of Work as well as provides an additional \$3000 for capital outlay for the purchase of two computers. **Mr. DeSpain made a motion** to approve Amendment #4 of Contract #HG354355 with the Arizona Department of Health Services for the Tobacco Education and Prevention Program; motion seconded by Mr. Thompson; vote unanimous

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

NAVAJO COUNTY FLOOD CONTROL DISTRICT: Tom Hieb, Deputy Director Flood Control: Board of Directors Session: 1) **Update on Winslow Levee:** **Mr. DeSpain made a motion** to enter into a Board of Directors Session; motion seconded by Mr. Thompson; vote unanimous approving the motion. Mr. Hieb advised that the temporary repairs on the levee have been completed, and it does not appear that the costs will exceed the \$100,000 approved by the Board at the January 3rd meeting. (Costs so far are approximately \$80,000) A report on the levee has been completed and will be available soon. It appears that the water may have traveled around the base of the levee and we may have to take apart and rebuild that section. Larry Dunagan, Director of Emergency Services, advised that ADEM and FEMA have formed a damage assessment team to begin the assessment sometime today. There is one team in Flagstaff and another for Navajo/Apache Counties and the reservations. Mr. Dunagan noted that we have not had a contact person on the Navajo Reservation and we need to have that name. Mr. Hieb advised that the current weather forecast calls for dry weather this week, but there is still a substantial snow pack. The flow in the Little Colorado at Winslow is less than 300 cufs at this time. Mr. Dunagan advised that 13,000 sand bags were filled and placed on the levee as a precaution. **No action taken; informational only.**

2) **NRCS Contract Extension:** Mr. Hieb explained that this is a request for extension of time for the contract to be awarded to March 24, 2005. There are no other changes and the cost estimate remains the same at \$534,000. **Mr. Thompson made a motion** to approve the NRCS contract extension as requested; motion seconded by Mr. DeSpain; vote unanimous approving the motion. **Mr. Thompson made a motion** to return to regular session; motion seconded by Mr. DeSpain; vote unanimous approving the motion.

EMERGENCY SERVICES: Larry Dunagan, Director: 1) **Authorization for training program for Navajo County law enforcement officers for Weapons of Mass Destruction (WMD) Awareness and Preparedness, and use of air purifying respirators:** Mr. Dunagan explained that WMD personal protection equipment was distributed to all law enforcement agencies. Training in the use of this equipment is part of the Homeland Security funding. However, this money must be expended before April 2005 or we will lose the funding. He noted that there is no county match for this funding. Mr. Deal expressed his deep disappointment at Navajo County's response to the disaster on the reservation. He noted that Apache County uses their equipment and personnel on the reservation; why doesn't Navajo County do the same. Mr. Dunagan stated that there seems to be no middle ground regarding the IGA we have been trying to enter into with the Navajo Nation. It always seems to stop at the legal department of the Navajo Nation. Mr. Payette added that the IGA is a simple, two-page document, and that all other entities have signed and returned it. The Navajo Nation has requested additional language that goes well beyond the very limited scope of this IGA. Mr. Deal and Mr. Thompson encouraged Navajo County staff to sit down with the Navajo Nation and try to work out the problems with this IGA as well as the Mutual Aid Agreement. **Mr. DeSpain made a motion** to authorize the training program for Navajo County law enforcement officers for Weapons of Mass Destruction Awareness and Preparedness, and use of air purifying respirators; motion seconded by Mr. Thompson; vote unanimous approving the motion.

2) **Approve contract for revision and completion of Navajo County Emergency Operations and**

Response Plan: Mr. Dunagan advised that only one response was received for the RFP, and it was from Munger & Associates. This company has done the same project for Apache and La Paz Counties, and has worked on Coconino County's as well. Homeland Security funding (\$12,500) will pay for this project. No county match is required. **Mr. DeSpain made a motion** to approve contract for revision and completion of Navajo County Emergency Operations and Response Plan; motion seconded by Mr. Thompson; vote unanimous approving the motion.

SUPERIOR COURT: Honorable Dale Nielson, Presiding Judge: Approval for Temporary Superior Court Pro-Tem position, full-time Court Clerk, Case Flow Manager: Judge Nielson presented the Board with a proposal to expend Fill-The-Gap funds to bring in a Pro-Tem Superior Court Judge and staff for 20 hours per week. He explained that the law requires (ARS § 12-121) that "there be an additional judge of the court for each thirty thousand inhabitants". This would mean that with a population of 90-120 thousand, there should be 4 judges. Per the 2002 Census, the population of Navajo County was 102,202, and in 2000, the population was 97,470. We have only three judges at this time. (Division III was formed in 1990) The caseload is ever increasing, with the total number of cases filed expected to double from 1990 (1950 cases filed) to 2007. Because there are not enough judges, cases are being completed in a timely manner. Although technology has helped move cases along, it cannot help with actual time in the courtroom, trying the cases. Judge Nielson presented the projected expenses of Division IV for FY 2005: Salary for Judge Pro-Tem, Clerk and Case Flow Manager-\$76,494; Supplies and services-\$700; Remodeling costs (the old law library will be remodeled as the Pro-Tem courtroom and offices)-\$41,840. The total start-up costs will be \$119,034. The projected yearly budget for FY 2006 is \$248,506. Mr. Deal said he sees no justification for this request. He said that the computers are there to make things easier, but the departments keep asking for more help. The Judge agreed, but the reiterated that technology does not help with the actual time need in the courtroom. Mr. Jayne noted that the creation of a fourth division has been an ongoing discussion over time. He said he believes this is a responsible first step in that the first year and a half of expenses are covered. We need to spend the time to work out where we go from here. **Mr. DeSpain made a motion** to approve the Temporary Superior Court Pro-Tem position, Full Time Court Clerk and Case Flow Manager, to be funded through Fill-the-Gap funds, as presented; motion seconded by Mr. Tenney; Vote was as follows: Ayes-Mr. DeSpain, Mr. Tenney, Mr. Thompson, Mr. Brownlow. Nays-Mr. Deal. Motion was passed.

SHERIFF'S OFFICE: Sheriff Gary Butler/Commander Steve Ebert: 1) Authorization to enter into grant agreement with Arizona Peace Officer Standards and Training Board for construction of a driver training track: Sheriff Butler explained that the grant will provide \$650,000 for the driver training track at the Northeast Arizona Training Center in Taylor. The track will be available to all law enforcement agencies in Northeast Arizona to use for training. **Mr. DeSpain made a motion** to authorize the Sheriff to enter into a grant agreement with Arizona Peace Officer Standards and Training Board for construction of a driver training track, as presented; motion seconded by Mr. Tenney; vote unanimous approving the motion.

2) Approval to purchase repeater system for portable radios: Commander Ebert explained that Jail Enhancement funds will be used for this purchase. The radio repeater systems will cost \$7900; if additional antennas are needed, the total cost will go up to \$9700. **Mr. DeSpain made a motion** to approve the purchase of a repeater system for portable radios; motion seconded by Mr. Thompson; vote unanimous approving the motion.

ADMINISTRATION/FINANCE: Leida Hatch, Special Districts Accountant: **Approval of Petition for Annexation into the Pinetop-Lakeside Sanitary District, Number 04-07, APN 211-37-006, in the Sierra Springs Subdivision, Resolution # -05:** Ms. Hatch advised that the petition has been reviewed by the Chief Deputy Assessor, who has determined that the signatures that appear on the petition are the names of the owners of record. Only one parcel is being annexed, which is wholly owned by PELCO, LLC. Therefore, the petition contains the signatures of 100% of the property owners. **Mr. Tenney made a motion** to adopt **Resolution #02-05**, approving the petition for annexation into the Pinetop-Lakeside Sanitary District; motion seconded by Mr. Thompson; vote unanimous approving the motion.

ADMINISTRATION/FINANCE: Leida Hatch, Special Districts Accountant: **Public Hearing: Resolution # -05 to establish the Shumway Road Improvement District:** Ms. Hatch noted that a petition to form the district was accepted by the Board at the meeting on December 20, 2004. She added that 61.5% of the property owners in the proposed district signed the petition. The area within the district boundaries is a potential spot for development in the future. The improvements to Shumway Road are necessary to support the increased traffic this additional development would produce. The Planning & Zoning department has indicated it will not approve final plats for development in the area until road improvements are made. If not approved, the property owners may be tempted to sell off lots or inappropriately subdivide without County approval, increasing population in the area with a main road not fit for added traffic. Michael Daggett (Developer) and John Otis spoke in favor of the district formation. They believe that this is a golden opportunity in the area and will open the gate for development. The paved road will increase property value drastically. Several persons, including Elberta Nielson, Betsy Ann Wilson, Judy Lowry, Bob Baird and Barbara Neff presented concerns about the district formation. Their concerns included increased traffic, loss of rural lifestyle, financial burden and safety issues. Mr. Daggett responded to these concerns, noting that he understands those who do not want development. He noted that development will happen whether they want it or not, and this way it can be done right. Mr. Parsons explained that the County will be making improvements on Shumway Road from HWY 77 to the top of the hill. Three hundred thousand dollars have been allocated for this project, which is scheduled to begin in April. Ms. Hatch explained that the cost of the improvements will be paid through the District's issuance of bonds, which will be retired through assessments on the property in the district. Such costs would include engineering, administrative fees, legal fees, fees for a financial advisor and a consultant to line up a buyer for the bonds, and any other related and incidental expenses. **Mr. Tenney made a motion** to adopt **Resolution #03-05**, establishing the Shumway Road Improvement District

PUBLIC WORKS/PLANNING & ZONING: Dusty Parsons, Interim Co-Director; Dave Ashton, Deputy Director Planning & Zoning: **1) Public Hearing - Approval of Special Use Permit for James Borrego for the operation of a sawmill for one year from today's date on APN 212-07-013H in the Wagon Wheel area, Resolution # -05:** Mr. Ashton advised that the applicant had been found to be operating a sawmill on his property and was directed to apply for a Special Use Permit, which he has now done. The Planning & Zoning Commission heard this matter on December 16, 2004 and following some discussion regarding the length of time the operation should continue (the applicant is cutting logs into siding for his house and fence), the Commission stipulated that the applicant be given a year if the Board approves the request. The Commission voted 6-1 to recommend approval with the stipulations. Staff recommends approval with stipulations, adding that one letter was received in

support of the request and two letters were received in opposition. There were no comments offered today in support of the request. There was one comment received in opposition: Wendell DeCross, who is a member of the Planning & Zoning Commission, stated he was the lone dissenting vote at the P&Z hearing. He said his concerns included the fact that the applicant was running a sawmill in an area not zoned for that activity; the applicant is actually being paid to take the logs in, and is selling the fence panels he s building. Mr. DeCross added that this activity is also a fire hazard. Following a brief discussion, the Board expressed its concerns about the fire hazard and the opposition voiced by the fire district. **Mr. Tenney made a motion** to adopt **Resolution #04-05**, approving the Special Use Permit requested by James Borrego to operate a sawmill on APN 212-07-013H, with the following stipulations: *1) The Special Use Permit is effective to June 1, 2005 in order to cut logs for building a house on site; after that date, the Special Use Permit shall expire and the site shall be cleaned up and cleared of any and all equipment and materials associated with the sawmill operation; 2) The hours of operation of the portable sawmill shall be from 8:00 a.m. to 5:00 p.m. Monday through Friday; 3) The permit holder shall take all measures to minimize dust, odor and noise on the property. This shall include residual materials such as chips, sawdust, etc. If staff receives complaints, they shall immediately notify the permit holder, who shall take action to mitigate the complaint. Unresolved complaints will lead to Board of Supervisor review and possible revocation; 4) Only one employee shall be hired to work on the site in the cutting of the logs for the house; 5) The scope of this Special Use Permit is limited to the attached site plan. No expansion will be considered; 6) Green waste materials and sawdust shall be properly disposed of when 10 cubic yards of waste is reached; 7) Burn permits shall be applied for an obtained before any burning of excess is accomplished; 8) No more than 15 logs will be stored on the property at one time; 9) A 1500 gallon water storage tank with water shall be available at all times during operation of the sawmill; 10) A 20 foot clear zone free of any burnable debris shall be maintained around the perimeter of the property; 11) No logs shall be cut or sold for commercial purposes;* motion seconded by Mr. DeSpain; vote unanimous approving the motion.

2) Public Hearing - Approval of Conceptual Master Development Site Plan for the Sierra Springs Ranch residential development, APN 211-37-005 & 006 in the Sky Hi Road area, Resolution # -05: Mr. Ashton explained that this development is proposed to have 51 single family, stick-built homes on 76.4 acres. The community would be made up of mostly second-home buyers. The Planning & Zoning Commission voted unanimously to recommend approval with stipulations. It was noted that there were no public comments offered at the P&Z hearing. Staff recommends approval. Wendell DeCross spoke in favor of the project, noting that there should be a secondary access into the development. There were no comments offered in opposition. **Mr. Tenney made a motion** to adopt **Resolution #05-05**, approving the Conceptual Master Development Site Plan for the Sierra Springs Ranch residential development, with the following stipulations: *1) A Traffic Impact Analysis (TIA), as required by staff for the development and a Master Drainage Plan shall be submitted to and approved by the County Engineer's office before the Tentative Plat is submitted to the Planning & Zoning Commission; 2) All required offsite improvements identified in the TIA or Master Drainage Plan shall be constructed or financially assured; 3) All technical requirements of the Subdivision Regulations shall be met before approval of the Tentative Plat. Variances shall be requested in accordance with Section 4.12 and justified; 4) Sufficient off-road drainage easements shall be made available to accommodate major drainage as required; 5) Drainage structures, including detention or retention ponds, shall be proposed with the Final Plat, as required; 6) The connector road to Sky Hi Road shall be designed and paved per county specifications; 7) A secondary emergency access shall be provided from the*

property; 8) Approval of the Conceptual Master Development Site Plan in conditioned upon the submittal of the Tentative Plat to the P&Z Commission, along with proof of compliance with the above stipulations, within 24 months of the date of this resolution. In the event this condition is not met, this approval shall be automatically revoked and the Conceptual Master Development Site Plan shall become null and void. This condition shall be conclusively deemed to have been satisfied unless the Board of Supervisors causes a notice of revocation to be recorded in the office of the Navajo County Recorder within 30 days after the expiration of the 24 month period (or any extension thereof); motion seconded by Mr. Thompson; vote unanimous approving the motion.

3) Public Hearing - Approval of Conceptual Master Development Site Plan for the Hidden Oak residential development, APN 211-40-025A/B/C in the Pinetop Country Club area, Resolution # -05: Mr. Ashton presented the project, which is in the Pinetop Country Club area. The proposed plan calls for 21 single-family homes and one commercial lot in the 8.6 acres, for a subdivision called Hidden Oak. Several people expressed concern at the P&Z Commission hearing regarding the commercial lot, as its purpose was not stated. Mr. Ashton noted that since the use is not stated, that approval would have to go through the review process again. The P&Z Commission unanimously recommended approval of the request. Staff also recommends approval with stipulations. Paul Dumond, the developer, and Wendell DeCross spoke in favor of the project. Gail DeCross, spoke in opposition, citing traffic concerns with additional commercial areas. Chuck Teetsel addressed the commercial area, stating it will have some office space and a small country-type store. **Mr. Tenney made a motion** to adopt **Resolution #06-05**, approving the Conceptual Master Development Site Plan for the Hidden Oak residential development, with the following stipulations: 1) A Traffic Impact Analysis as required by staff for the development and a Master Drainage Plan shall be submitted to and approved by the County Engineer's office before the Tentative Plat is submitted to Planning & Zoning Commission; 2) All required offsite improvements identified in the TIA or Master Drainage Plan shall be constructed or financially assured; 3) All technical requirements of the Subdivision Regulations shall be met before approval of the Tentative Plat. Variances shall be requested in accordance with Section 4.12 and justified, such as the 40' right-of-way, etc; 4) Sufficient off-road drainage easements shall be made available to accommodate major drainage, as required; 5) Drainage structures, including detention and retention ponds, shall be proposed with the Final Plat, as required; 6) Approval of the Conceptual Master Development Site Plan is conditioned upon the submittal of the Tentative Plat to the Planning & Zoning Commission, long with proof of compliance with the above stipulations, within 24 months of the date of this resolution. In the event this condition is not met, this approval shall be automatically revoked and the Conceptual Master Development Site Plan shall become null and void. This condition shall be conclusively deemed to have been satisfied unless the Board of Supervisors causes a notice of revocation to be recorded in the Office of the Navajo County Recorder within 30 days after the expiration of the 24-month period (or any extension thereof); motion seconded by Mr. DeSpain; vote unanimous approving the motion.

4) Public Hearing – Approval of changes to Articles III and VIII of the Subdivision Regulations as approved by the Planning and Zoning Commission in Resolution No. 04-35P: At the request of Mr. Young, this item is continued to February 7, 2005.

5) Approval to purchase motor grader tires for emergency road repairs on BIA roads: Mr. Parsons noted that we have a Memorandum of Agreement with the Ft. Defiance Agency through which we have supplied them with motor graders. Per this MOA, they are to maintain the equipment and we would not normally purchase tires as they have requested. However, with the emergency road repairs

needed to mitigate the excess run-off from recent storms, the motor grader received higher than normal use. Staff recommends that a one-time exception be made and the tires be purchased with District II Special Road funds. **Mr. Thompson made a motion** to approve the purchase of motor grader tires in the amount of \$3707.08 (7 tires) from District II Special Road Funds; motion seconded by Mr. Tenney; vote unanimous approving the motion.

BOARD OF SUPERVISORS: Jesse Thompson, Supervisor, District II: Approve expenditure of funds from District II Special Project monies to help with Jeddito Headstart funding request: **Mr. Thompson made a motion** to approve funding assistance in the amount of \$100 from District II Special Project Funds; motion seconded by Mr. Tenney; vote unanimous approving the motion.

BOARD BUSINESS: Jack Latham brought New Year’s greetings from Congressman Renzi. He asked the Board to provide their top 5 priorities for legislation and appropriations. Mr. Tenney advised he would be leaving for new Supervisors training today; Mr. Deal and Mr. Thompson added that they would be speaking at that training. Mr. Deal asked that Navajo County become more involved in emergencies on the reservation.

There being no further business to come before the Board of Supervisors, the meeting was adjourned until Monday, February 7, 2005, upon a **motion made by Mr. Thompson;** motion seconded by Mr. Tenney; vote unanimous approving the motion. The meeting adjourned at 12:55 p.m.

APPROVED:

Chairman

Date

ATTEST:

Kathy Hieb, Deputy Clerk