

NAVAJO COUNTY BOARD OF SUPERVISORS MINUTES
MONDAY, NOVEMBER 20, 2006

9:00 a.m. CALL TO ORDER: Chairman Thompson called the meeting to order. Supervisor Deal led the Pledge of Allegiance and offered the invocation.

PRESENT: Jesse Thompson, Chairman; J.R. DeSpain, Member; David Tenney, Member; Jerry Brownlow, Member; Mel Bowers, County Attorney; James G. Jayne, County Manager, and Darlene Fraley, Clerk of the Board. Percy Deal, Vice-Chairman, was not present.

CALL TO THE PUBLIC: Chairman Thompson provided a history of the Thanksgiving holiday. He discussed the impact of the English-only proposition that recently was on the ballot on the Native American culture. He wished all present a Happy Thanksgiving holiday.

CONSENT AGENDA: a) Voucher list for payment; b) Tax roll corrections; c) Back tax land deeds; d) Sympathy letters for J.R. DeSpain and Homero Vela; e) Amendment to Natural Resources Group Memorandum of Understanding to include additional legal language; f) Minutes: August 21, August 24, September 5; g) Appointment of Mr. Joel Lawson to the Planning & Zoning Commission vacancy created by Dolores Najar's resignation; h) Constable reports: Winslow #2 October; Snowflake #3 October; i) Justice Court report: Winslow #2 September; j) Rename an existing road in the Pinedale area from "Meadow Lane" to "Elk Pass" in Section 31, Township 11N, Range 20E; k) Name an existing road in the Snowflake area "Willis Ranch Road" in Section 9, Township 13 N, Range 22E; l) Name an existing road in the Shumway area "Cedar Hollow Lane" in Section 19 & 30, Township 12 N, Range 22E; m) Name an existing road in the Lakeside area "Pecan Road" in Section 24, Township 9 N, Range 22E: **Supervisor DeSpain made a motion** to authorize the Chairman to sign the items in the Consent Agenda; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

HUMAN RESOURCES: Consideration and possible approval of Personnel Actions: Gail Calisen reviewed the 35 items on the Personnel Action report. **Supervisor Tenney made a motion** to approve the Personnel Actions as presented and authorize the Chairman to sign the actions; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

PUBLIC WORKS/PLANNING & ZONING:

- a. **PUBLIC HEARING:** Consideration and possible approval by Resolution Number - 06 of a zone change request by Timothy Donahue from R-3 to Commercial-Residential for APN 212-12-006 in the Pinetop Lakeside area: Telford Chapman displayed a map orienting the board to the site under consideration, identifying the specific property. He reviewed the Staff Report discussing the parcel information, existing zoning, reason for the request, changing conditions, staff comments and proposed stipulations. He advised the proposed zoning would allow establishment of the corporate offices of the American Home Center located on the corner. He advised the Planning and Zoning Commission unanimously approved the proposal and staff recommends approval. Chairman Thompson invited comments from the public and there were no comments. Supervisor Tenney inquired why no septic systems would be installed for the models. Mr. Chapman advised there would only be one sales office model with no restrooms facilities. Bill Fraley clarified this will be addressed during the permitting process and it was suggested the site might tie into the existing Pinetop-Lakeside sewer system. Supervisor Deal inquired about proposed parking. Mr. Chapman advised this will be addressed during the building permit process, displaying a map for the proposed parking with gravel cover. He advised that a traffic study will be required for the site. **Supervisor Brownlow made a motion** to approve by **Resolution Number 100 - 06** the zone change request by Timothy Donahue to go from R-3 to Commercial-Residential for APN 212-12-006 in the Pinetop Lakeside area; motion seconded by Supervisor Tenney; vote unanimous approving the motion.
- b. **Perkins Valley Estates PUBLIC HEARING:**
- i. Consideration and possible approval by Resolution Number - 06 of a Zone Change request by John

Gurrola from A-General, Special Development Zoning for APN 109-33-015, 016, 017, 022, 023, 024, 025, 027, 028, 029, 030A, 033, 039 in Township 18 North, Range 20 East, Section 33 in the Perkins Valley area: Bill Fraley advised this item of business had been before the Planning and Zoning Commission twice, once in workshop and then in regular session where it received unanimous approval. He displayed a map orienting the board to the site under consideration, identifying the specific property. He reviewed the Staff Report discussing the parcel information, existing zoning, reason for the request, changing conditions, road access, staff comments especially as related to flood control and proposed stipulations. He advised the board of the following: there is approximately 262 acres available for this development with low density neighboring areas; roads within the subdivision will be constructed to county standards with a future request for acceptance into the county road system; the City of Holbrook will supply sewer and water to the property line; appropriate fire control measures will be met; the Planning and Zoning Commission unanimously approved the proposal; and staff recommends approval. Mr. Fraley reviewed the site plan of the proposed subdivision. He stated there were commissioner and resident requests to increase the size of some of the lots and the developer will consider this; the hearing today is for a zone change and accompanying conceptual site plan with future action required prior to the final plat stage. He stated concerns expressed at the Planning and Zoning Commission related to drainage, roads, density, fire safety, flooding, and access and that the studies that Public Works requires must meet all of these issues and the development will not proceed unless these issues are satisfactorily addressed. He discussed letters received pro and con regarding this development. In response to questions from Supervisor Thompson and Supervisor DeSpain, Mr. Fraley clarified that today's hearing is only addressing the zone change to special development from A-General and the Master Development Site Plan. He stated that A-General zoning includes farms, ranches, single families or large parcels within boundaries that must be changed to subdivide and that the only thing that will change if today's request is approved will be within the boundaries of this proposed zone change. He further reported that if the board approves the zone change and site plan today, engineers will start developing the tentative plat for the project and will look at answering staff concerns, regarding roads, drainage, etc. and it will then will go back to the Planning and Zoning Commission at a public meeting, not a public hearing. Supervisor DeSpain inquired if citizen concerns can be addressed at those meetings and Mr. Fraley said they could. Chairman Thompson invited comment from the public.

Geri Pascal of Holbrook stated she owns property adjacent to the subject property and is a local real estate broker. She stated that housing is needed in Holbrook and Pacific Holt has exhibited the intention to work with area residents.

Dick Young of Holbrook advised that the City of Holbrook has been working closely with Mr. Gurrola throughout this process and has offered utilities and fire protection. He described the process of getting utilities to the site. Supervisor DeSpain asked if service for water includes fire protection and Mr. Young stated the developer will be providing a water storage tank and booster pipes on site.

Wendell DeCross, Navajo County resident and member of the Planning and Zoning Commission, advised the Planning and Zoning Commission Chairman recommended that the developer meet with residents to address concerns and that meeting occurred where many questions were put to rest. He stated good housing is needed in Holbrook and the Planning and Zoning Commission heartily recommends approval.

Tom Nevis from Merced, California, applicant, stated he will continue to work with neighbors to modify the plan to meet concerns that make sense. He said originally they had development in open areas and they took that out completely to open up the subdivision. He said he looks forward to being in the county for many years and worked very well with county and city staff.

Raymond Turley of Perkins Valley pointed out his property on the site map and stated he is against so many houses and the commercial zoning as they do not need motels and additional traffic. He said they need to

reduce the number of lots and do away with commercial zoning.

Pat DeSpain of Perkins Valley stated she lives between the development phases. She said every resident in Perkins Valley was at the Planning and Zoning Commission hearing and spoke against the development. She said they feel that this development means their neighborhood is being surrounded by a California neighborhood so they can not maintain the rural atmosphere. She requested the board consider that those living in Perkins Valley have to live with this neighborhood for the rest of their lives. She said it was mentioned that a commercial development that would come in would be a motel and she does not feel a motel is appropriate to the neighborhood. She stated other concerns include area density, the flood plain and what other type of commercial uses should be considered. She said it would be beneficial to have a summer rainstorm before the flood plain study so that the engineers can see how much water accumulates.

John Moulder, of Livingston Texas, stated he is leasing property from the DeSpains and he has a concern that the zoning under consideration allows for mobile homes with no restrictions. He asked if the developers would be allowed to move mobile homes in if they do not sell enough lots for stick built houses. He said at the previous hearing, they were told these are half acre lots yet the hand out today says .388 acres. He said staff brought up two access points into development yet there is only one down Perkins Valley Road.

Melvin Holyoak of Perkins Valley indicated where the properties are located for the speakers today, pointing out that Geri Pascal is secluded so she is not bothered by density issues that would affect the others who have spoken. He said that now the valley floods badly and expressed concern at the landscape changes that could increase the flooding problem.

Robert DeSpain of Perkins Valley stated that density and flood control are his largest concerns. He discussed the culvert that was put in that cuts through his property. He advised the corner is almost washed out so the county road is raised approximately one to two feet and the culverts do not handle the water now. He said he has open arenas with animals and he knows that will be a future problem for the new residents.

Bill Fraley stated the density can be discussed further with the developer and that lot sizes average .48 acres. He stated this is a special development zone change and the site plan will specify the type of use and that no mobiles are being proposed on the site plan. He advised the flood control issues will be addressed in the future. He invited Mr. Gurrola to address the commercial development.

John Gurrola of Prescott stated that as developers they want to work with the community. He said his civil engineer and surveyor as well as City of Holbrook staff are here to address concerns. He expressed willingness to strike the building of the motel as they want commercial development that will suit the area. He stated the homes will be well built in a Santa Fe style and the project will bring work to the community. He assured those present that there will be no mobile homes. He also stated they feel their design will help the flooding conditions.

Supervisor DeSpain requested Mr. Gurrola discuss the lot size issue. Mr. Gurrola stated they have outlined an average lot size of one-half acre with infrastructure and that to have larger than half acre lots would not be economically feasible due to the hard costs for developments. He stated the CCRs will maintain the development's image and it is to the developer's benefit for the project to look good.

Supervisor DeSpain stated residents want the development to reflect the rural atmosphere of the community and requested that properties bordering existing properties look more rural. Mr. Gurrola agreed this could be addressed. Supervisor DeSpain stated that commercial exists now at the redi mix site. Bill Fraley stated the developers will work with staff to look at areas for appropriate commercial uses.

Supervisor Deal inquired about the letters from the city regarding waste management and fire protection, asking if this development area would have to be annexed to provide these services. Dick Young stated the fire district document would have to be amended and the trash services would require approval of city council. He stated he is not positive that annexation would have to occur to provide services but providing services would require city council approval. He stated he believes the development will apply for annexation and he reviewed the letter from David Newlin addressing this issue. Supervisor Deal referenced the letters outlining the discussion of annexation for services and Dick Young responded sewer and water are an enterprise service and can be provided. He stated there are administrative issues for the fire district. Supervisor Deal stated he has concerns for the people in the area to be surrounded by the development. He encouraged the developer and staff to work with the residents of the area who have been there for generations who will experience changes affecting their life style as it is important to respect one another. Supervisor Deal stated that the letter from Joseph City Schools advised they could handle the additional growth. He inquired if medical facilities services will be able to accommodate this growth and Mr. Fraley said he did not have that information.

Supervisor DeSpain requested Dusty Parsons address the flooding conditions in Perkins Valley. Mr. Parsons stated that historically there have been significant flooding problems and retention areas will probably be required. He advised that staff's first hand knowledge of the flooding problems will assist in determining requirements during the next phases of development. He said a traffic impact analysis will determine those roadway conditions also that will require retention areas to meter the water out. Supervisor DeSpain stated that some of the difficult flooding areas could be addressed through this development. Mr. Parsons agreed, stating that everything within the boundaries of the development will be addressed so there will be no further impact from this subdivision.

Supervisor DeSpain thanked the developer for his response to the area residents' concerns. He stated that the city anticipates annexation in the future for this area and that would not mean an island can not be made for existing area residents. **Supervisor DeSpain made a motion** to approve by **Resolution Number 101 - 06** the Zone Change request by John Gurrola from A-General to Special Development Zoning for APN 109-33-015, 016, 017, 022, 023, 024, 025, 027, 028, 029, 030A, 033, 039 in Township 18 North, Range 20 East, Section 33 in the Perkins Valley area; motion seconded by Supervisor Tenney; vote unanimous approving the motion.

- ii. Consideration and possible approval by **Resolution Number _____ - 06** of a Master Development Site Plan for the proposed "Perkins Valley Estates" development for APN: 109-33-015, 016, 017, 022, 023, 024, 025, 027, 028, 029, 030A, 033, 039 in Township 18 North, Range 20 East, Section 33 in the Perkins Valley area: Requesting the developer to continue to work with area residents to address concerns, **Supervisor Brownlow made a motion** to approve by **Resolution Number 102 - 06** the Master Development Site Plan for the proposed "Perkins Valley Estates" development for APN: 109-33-015, 016, 017, 022, 023, 024, 025, 027, 028, 029, 030A, 033, 039 in Township 18 North, Range 20 East, Section 33 in the Perkins Valley area; motion seconded by Supervisor Tenney; vote unanimous approving the motion.
- c. Consideration and possible approval to repair a Motor Grader and exchange a Motor Grader with the costs being paid out of District II Special road funds: Dusty Parsons advised that currently the BIA has two motor graders in need of repair, one of which is not worth fixing, and that the BIA does not have the funding to make the repairs. **Supervisor Deal made a motion** to approve the repair of a Motor Grader and exchange a Motor Grader with the costs being paid out of District II Special road funds in an amount not to exceed \$27,000; motion seconded by Supervisor Tenney; vote unanimous approving the motion. Chairman Thompson thanked the board for approving this action.

BOARD OF SUPERVISORS:

- a. Consideration and possible appointments to represent Navajo County on various committees and organizations for 2007: James Jayne advised the board that this list is a comprehensive list and these appointments are available for review, changes, additions, etc. Supervisor Brownlow reported that CSA third vice president is David Tenney and he knows he will represent the county well. Chairman Thompson stated that Supervisor DeSpain is now the President of AACo and as a county we can be very proud of that. He advised that Navajo County is well represented with the two major organizations that deal with county and elected official concerns. **Supervisor Tenney made a motion** to approve the appointments as presented; motion seconded by Supervisor Brownlow; vote unanimous approving the motion. Supervisor DeSpain expressed appreciation for the support of the supervisors and elected officials in his election as president of AACo.
- b. Consideration and possible approval of 2007 Board of Supervisors meeting calendar: Darlene Fraley advised that there are several conflicts with holding Monday meetings in 2007 and staff recommends moving the board meeting to the first and third Tuesday of the month. Supervisors DeSpain, Tenney, and Brownlow discussed the benefits of having the meeting on Tuesdays. Supervisor Deal advised that many of his tribal meetings have been set to accommodate the board's Monday meetings and requested that on those occasions when it is necessary to do so, he would have the board's support in accommodating an occasional Monday meeting. **Supervisor Tenney made a motion** to approve the regularly scheduled board meeting to be the first and third Tuesday of the month with exceptions as needed; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.
- c. Report and discussion of back tax land sale held October 23, 2006: June Foard addressed the board stating the back tax land sale was successful with 114 properties sold for a total of just over \$106,000. he thanked the board for conducting the auction and thanked Bencita Nelson of Finance and Rick Saunders of the treasurer's office for their assistance. Supervisor DeSpain thanked staff for putting the auction together.

SUPERINTENDENT OF SCHOOLS: Rainbow Accommodation School Annual Financial Report with power point presentation of the school and its activities: Superintendent Linda Morrow discussed the purposes of accommodation schools and reviewed the Annual Financial Report as presented. She advised funding for HOPE comes only from the Department of Corrections and Rainbow gets funding from the Arizona Department of Education. She conducted a power point presentation of Rainbow Accommodation School showing pictures of the director, buses, children, advising there are almost one-to-one aides for children with speech, physical and occupational therapy needs. She discussed field trips and educational opportunities, stating students are bussed in and are in an all-day program. She invited the board to their next open house with the date to be set in December or January.

SHERIFF'S OFFICE/EMERGENCY MANAGEMENT:

- a. Consideration and possible approval of 2006 Hazardous Materials Response Plan: Larry Dunagan advised it is statutorily required that this plan is reviewed, revised and adopted each year. He stated the only revisions were grammatical changes and name changes of some committees and members. **Supervisor Deal made a motion** to approve the Hazardous Materials Response Plan; motion seconded by Supervisor Brownlow. Supervisor Tenney stated that there appears to be more participation by fire departments than by law enforcement and Mr. Dunagan responded the committee is comprised of volunteers stating that certain disciplines must be represented. In response to a question from Supervisor Deal, Mr. Dunagan stated the Navajo and Hopi Tribes have TREC plus several local LEPC. He said he does not believe the White Mountain Apache tribe is currently active. Supervisor Deal stated it seems Navajo and Hopi should be on one and Mr. Dunagan stated that state and federal requirements mandate two different ones but all LEPC work through state. He advised maps would be added as they are just recently completed and will be sent to the LEPC for their final approval. Chairman Thompson inquired if modifications are made they must be approved by the board and Mr. Dunagan stated that would be the case. Vote unanimous approving the motion.

- b. Consideration and possible approval of Memorandum of Understanding with the Arizona Public Safety Communications Committee for use of the new Arizona Emergency Radio System by the Sheriff's office: Larry Dunagan requested approval of this Memorandum of Understanding stating it allows for the new AERS to be housed at the Sheriff's office communication center as the monitoring control point. He advised it has been developed state wide and distributed a photograph of the system. He stated that each monitoring site within the state is located within the Sheriff's office at the county level. Supervisor Deal inquired where Navajo sites are and Mr. Dunagan reported where they are currently located, stating that topography determines where repeaters can be located. He stated the AERS is a short term solution with a long term solution coming out of Homeland Security in Washington in ten to twelve years due to a \$300,000,000 price tag for Arizona. He stated this system will work throughout the state but there will be dead areas. Supervisor Deal inquired if funding is set aside for the two scheduled towers on the Navajo reservation. Mr. Dunagan stated funding comes through Homeland Security Grants and Regional Advisory Councils and the next two projects to come on line are Holbrook and Piney Hill in Apache County. He said there is a schedule to install this system state wide. **Supervisor Tenney made a motion** to approve the Memorandum of Understanding with the Arizona Public Safety Communications Committee for use of the new Arizona Emergency Radio System by the Sheriff's office; motion seconded by Supervisor Brownlow; vote unanimous approving the motion.

HEALTH DEPARTMENT/BIO TERRORISM: BOARD OF DIRECTORS SESSION: Consideration and possible approval of Memorandum of Understanding between Winslow Indian Health Care Center in Winslow and Navajo County to cooperate in the event of a public health emergency: **Supervisor Brownlow made a motion** to enter into the Navajo County Public Health Services District Board of Directors' Session; motion seconded by Supervisor Tenney; vote unanimous approving the motion. Dan Roper discussed the Memorandum of Understanding as presented, stating it will help provide services to communities in the event of emergencies, set up dispensing sites for medications and will strengthen the relationship with tribal partners. Supervisor Deal inquired if there is another clinic or health facility in the City of Winslow. Mr. Roper advised there is and that MOU was approved two weeks ago. Supervisor Deal inquired if this MOU is only Indian Health Services. Supervisor Deal stated that during an emergency the immediate area of City of Winslow has a mixed population and Mr. Roper stated that doesn't matter; this MOU would cover anyone. Dan Roper stated there would be a separate facility available at Dilcon and Winslow High School. Supervisor Deal inquired if an agreement will cover the Pinon Clinic and Dan Roper responded there is an existing agreement to use Pinon facilities and they are still waiting on a return agreement from Polacca and White River. **Supervisor Deal made a motion** to approve the Memorandum of Understanding between Winslow Indian Health Care Center in Winslow and Navajo County to cooperate in the event of a public health emergency; motion seconded by Supervisor Tenney; 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.

FINANCE:

- a. Consideration and possible authorization for Finance/Purchasing to amend contract with FM Solutions to provide additional building valuation services: Mary Springer stated this request is to amend the contract with FM Solutions to do the regression analysis of county buildings to meet a requirement from the Auditor General. She stated that this analysis will go beyond satisfying this requirement as it will provide baseline data for the strategic planning process. **Supervisor Tenney made a motion** to authorize purchasing to amend the contract with FM Solutions to provide additional building valuation services; motion seconded by Supervisor DeSpain. Supervisor Brownlow inquired if the regression analysis would be an appraisal and Ms. Spring replied it will be an evaluation in today's dollars and then would regress those dollars back to the year the facility was built with additions. James Menlove stated that when County Manager and Finance staff met with the Auditor General and her senior staff the point was made that Navajo County does not have an accurate valuation on buildings and the completion of this will meet the requirements to get a clean opinion on our audits. Chairman Thompson clarified this is not to exceed \$20,000. Vote unanimous approving the motion.

- b. Consideration and possible authorization for Finance/Purchasing to award contract to McCandless of AZ for purchase of one 10-wheel dump truck for Public Works IFB B06-08-030: Mary Springer stated that two vehicles were budgeted but when bids came back the costs were higher than budget allowed so Public Works will only purchase one vehicle. She said they received three bids and the low bid did not conform so they went to the next bid of \$177,172.80. **Supervisor Brownlow made a motion** to authorize purchasing to award the contract to McCandless of AZ for the purchase of one 10-wheel dump truck for Public Works IFB B06-08-030; motion seconded by Supervisor DeSpain; vote unanimous approving the motion.

ELECTIONS: Consideration and acceptance of Official Canvass of the 2007 General Election conducted November 7, 2006: Kelly Dastrup reviewed the official canvass of elections reporting statistics as included in the canvass. In response to a question from Chairman Thompson, Ms. Dastrup reported there was not a lot of concern about ID at polls; that a lot of time was spent with poll workers to assure proper ID procedures were implemented. She discussed the process of verifying conditional and regular provisional ballots and the need for the voter to return with ID for provisional conditional ballots, reporting that nine voters came back post election for ID verification. **Supervisor DeSpain made a motion** to accept and approve the Official Canvass of the 2006 General Election conducted November 7, 2006; motion seconded by Supervisor Tenney. Supervisor Deal requested the procedures for appointing the Constable at Kayenta be determined and Ms. Dastrup responded it will be put on the agenda quickly since it is now officially vacant. Vote unanimous approving the motion. Supervisor Deal stated that the County uses the oval on the ballot and it is so light people have a hard time seeing it. Ms. Dastrup concurred the oval can be difficult to see and said that this is a programming issue with the vendor. She said poll workers are trained to assist voters in this area and early ballots go through an inspection board to determine intent of the voter. Chairman Thompson thanked Ms. Dastrup stating elections did well getting ID requirement information out to voters. Ms. Dastrup stated that everyone who had a vested interest in making this election successful played a part in making this information available, advising that out of 57,000 registered voters only 102 showed up without ID.

BOARD BUSINESS: Supervisors reported on activities within their district and issues that impact the county. All wished those present a Happy Thanksgiving.

ADJOURN: At 12:02 p.m., **Supervisor Tenney made a motion** to adjourn; Supervisor Brownlow seconded the motion; vote unanimous approving the motion.

APPROVED:

DATE:

Jesse Thompson, Chairman

ATTEST:

Clerk of the Board