

**NAVAJO COUNTY BOARD OF SUPERVISORS' MINUTES**  
**TUESDAY, March 23, 2010**

**PRESENT:** Jerry Brownlow, Supervisor; J.R. DeSpain, Supervisor; David Tenney, Supervisor; and Jesse Thompson, Chairman were present.

**9:09 a.m. Call To Order:** Pledge of Allegiance and Invocation was led by Supervisor DeSpain.

**CALL TO THE PUBLIC:** Greg Loper addressed the Board regarding upcoming public meetings regarding input into a proposed Ordinance that would serve to regulate alternative energy in the unincorporated areas of Navajo County.

**CONSENT AGENDA:** a) Minutes: January 21 and March 9, 2010 b) Sympathy letter to Supervisor Jim Palmer c) Juvenile Justice System Report February 2010 d) Clerk of the Superior Court Report February 2010 e) Justice Court Reports: Holbrook #1, February; Winslow #2, February; Snowflake #3, February; Kayenta #4, February; Show Low #5, February; and Pinetop #6, February, 2010 f) Constable Reports: Winslow Precinct #3, February; Snowflake Precinct #3, February; Show Low Precinct #5, February; and Pinetop-Lakeside Precinct #6, February, 2010 g) Application for temporary extension of Premises/Patio Permit to the Arizona Department of Liquor Licenses and Control for Victor Rodriguez, American Legion #86 for Cinco de Mayo festivities to be held on May 1, 2010 h) Application for temporary Extension of Premises/Patio Permit to the Arizona Department of Liquor Licenses and Control for Dana Saar dba Campfire Hospitality, LLC for a Cornhole Tournament fund raiser to be held on May 15, 2010 i) Adopt **Resolution Number 14-10**, requesting that the Arizona Department of Transportation (ADOT) establish a dedicated winter maintenance fund in the FY 2011 ADOT operating budget to provide equitable maintenance resources to ADOT Engineering District in Northern Arizona faced with unique winter operating conditions j) Tax exemptions filed pursuant to A.R.S. §42-11153 as a Request for Redemption of Waiver for four properties and vehicles k) Reappointment of Ruth Ann Smith to the Planning & Zoning Commission for District IV l) Reappointment of Evelyn M. Meadows to the Planning & Zoning Commission for District I m) Letter of appreciation to Colonel Thomas Magness for the Corps of Engineers support during the January winter storm: **Supervisor Brownlow made a motion** to authorize the Chairman to sign the items in the consent agenda as presented; motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion.

**BOARD OF SUPERVISORS:**

- a. **PUBLIC HEARING: Liquor License:** Consideration and possible recommendation for approval of an application for Permanent Extension of Premises/Patio Permit for Liquor License #14093001 by Lawrence L. Roach for the Top of the Rim Eagles #4437 located at 2023 Highway 277, Overgaard, Arizona 85933: Melissa Buckley discussed the item. Nick Foreman, President of the Eagles, was present and made comments to the Board in support of this item. **Supervisor Tenney made a motion** to approve; motion seconded by **Supervisor DeSpain**. Vote unanimous approving the motion.

**HUMAN RESOURCES:** Consideration and possible approval of Personnel Actions: Gail Calisen reviewed the 21 item personnel action report. **Supervisor Tenney made a motion** to approve the personnel action report as presented; motion seconded by **Supervisor DeSpain**. Vote unanimous approving the motion.

**NAVAJO COUNTY PUBLIC HEALTH SERVICES DISTRICT Board of Directors Session: CONSENT**

**AGENDA: Supervisor Tenney made a motion** to enter into the Navajo County Public Health Services District Board of Directors Session; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.

- a. Amendment #1 of Contract #HI050085 with the Arizona Department of Health Services for the Arizona Nutrition Network Program in the amount of \$179,709.00 for 10/1/09 to 9/30/10
- b. Amendment #4 of Contract #HG861085 with the Arizona Department of Health Services for WIC Program Services effective 4/1/10 to 9/30/10 for \$367,736.00 an increase of \$3,920.00 for this federal fiscal year

**Supervisor DeSpain made a motion** to approve the consent agenda as presented; 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.

**TREASURER: Consideration and possible approval of abatement of personal property taxes: Manuel Hernandez discussed the item. Supervisor Tenney made a motion** to approve the abatement of personal property taxes; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.

**COUNTY ATTORNEY/ELECTIONS: Consideration and possible approval of an addendum to the Joint Defense Agreement between Navajo County and twelve other Arizona counties to share the costs of expert witnesses and other litigation expenses in Chavez v. Brewer (Bennett), Maricopa County Cause No. CV2006-07000, in an amount not to exceed \$5,000: Lisa McKee discussed the item and answered questions of the Board. Lance Payette made further comments. Supervisor Tenney made a motion** to approve the addendum to the Joint Defense Agreement between Navajo County and twelve other Arizona counties to share the costs of expert witnesses and other litigation expenses in Chavez v. Brewer (Bennett), Maricopa County Cause No. CV2006-07000, in an amount not to exceed \$5,000; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.

**ELECTIONS: Consideration and possible approval of Official Canvass of the Spring Primary Election conducted March 9, 2010: Lisa McKee discussed the item and reviewed the results of the election. Supervisor DeSpain made a motion** to approve the Official Canvass of the Spring Primary Election conducted March 9, 2010; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.

**EMERGENCY MANAGEMENT:**

- a. Consideration and possible approval of the newly rewritten Hazardous Materials Plan for Navajo County: Tiffany Ashworth discussed the item. Supervisor Brownlow made a motion to approve the newly rewritten Hazardous Materials Plan for Navajo County; motion seconded by **Supervisor DeSpain**. Vote unanimous approving the motion.
- b. Consideration and possible approval of the reimbursable Hazardous Materials Emergency Preparedness (HMEP) grant in the amount of \$1,500.00 awarded from the Arizona Emergency Response Commission: Tiffany Ashworth discussed the item and answered questions of the Board. Supervisor DeSpain made a motion to approve the reimbursable Hazardous Materials Emergency Preparedness grant in the amount of \$1,500.00 awarded from the Arizona Emergency Response Commission; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.
- c. Consideration and possible approval of the reimbursable Emergency Response Fund in the amount of \$2,600 awarded from the Arizona Emergency Response Commission: Tiffany Ashworth discussed the

item. **Supervisor DeSpain made a motion** to approve the reimbursable Emergency Response Fund in the amount of \$2,600 awarded from the Arizona Emergency Response Commission; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.

**FINANCE:**

- a. Consideration and possible adoption of the revised Travel Policy to be effective April 1, 2010: James Menlove discussed the item and answered questions of the Board. He indicated that the significant changes included per diem which will now include up to \$50.00 per day and travel reimbursements. **Supervisor Brownlow made a motion** to adopt the revised Travel Policy to be effective April 1, 2010; motion seconded by **Supervisor Tenney**. Vote unanimous approving the motion.
- b. Consideration and possible adoption of the fiscal year 2010-11 budget priorities: James Menlove discussed the item and answered questions of the Board. James Jayne made further comments. **Supervisor DeSpain** asked that we table the item so that we could hear from other elected officials. James Jayne indicated that he met with the Elected Officials yesterday. **Supervisor DeSpain** indicated that he would like to see it in a draft form and would like further information from the other elected officials. Cammy Darris indicated that the County Manager met with the Elected Officials yesterday and that they are fine with the budget priorities as presented. **Supervisor Tenney made a motion** to adopt the fiscal year 2010-11 budget priorities; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.
- c. County Finance Update/State Budget Update: Rod Ross discussed the item and answered questions of the Board. Supervisor Tenney made further comments. James Jayne made further comments regarding the Board.

10:17 a.m. Chairman Thompson turns the meeting over to Supervisor Tenney.

**PUBLIC WORKS:**

- a. **PUBLIC HEARING: Consideration and possible adoption of Ordinance Number 03-10, approving the Text Amendment to Article 20, Section 2002, of the Navajo County Zoning Ordinance proposed to clarify the procedures for the review and approval of Special Uses and related Special Use Permits**: Greg Loper discussed the item. Lance Payette made further comments and answered questions of the Board. Vice Chairman Tenney opened the public hearing; there being no comments, Vice Chairman Tenney closed the public hearing. The Board discussed the item further. **Supervisor DeSpain made a motion** to adopt **Ordinance Number 03-10**, approving the Text Amendment to Article 20, Section 2002, of the Navajo County Zoning Ordinance proposed to clarify the procedures for the review and approval of Special Uses and related Special Use Permits; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.

**Chairman Tenney asked that we move to item c first due to public being present to speak towards the item.**

- b. **PUBLIC HEARING: Consideration and possible adoption of Resolution Number 15-10, approving a Special Use Permit for Burton Ranch, LLC for a Family Camp on APN 205-29-003J, with stipulations**: Bill Fraley discussed the item and answered question of the Board. Vice Chairman Tenney opened the public hearing; there being no comments, Vice Chairman Tenney closed the public hearing. **Supervisor Brownlow made a motion** to adopt **Resolution Number 15-10**, approving a Special Use Permit for Burton Ranch, LLC for a Family Camp on APN 205-29-003J, with stipulations; motion seconded by **Supervisor DeSpain**. Vote unanimous approving the motion.

- c. **10:28 PUBLIC HEARING: Consideration and possible adoption of Resolution Number 16-10, approving a Special Use Permit for Airborn Energy Development, LLC to install a meteorological tower on APN 111-07-001B with stipulations:** Greg Loper discussed the item. Vice Chairman Tenney opened up the public hearing. Mr. Kelly McCauley addressed the Board in favor of the item. Vice Chairman Tenney closed the public hearing. **Supervisor DeSpain made a motion** to adopt **Resolution Number 16-10**, approving a Special Use Permit for Airborn Energy Development, LLC to install a meteorological tower on APN 111-07-001B with stipulations; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.
- d. **PUBLIC HEARING: Consideration and possible adoption of Resolution Number 17-10, approving a Special Use Permit for Disgen Development Services, LLC to install a meteorological tower on APN 104-67-001E, with stipulations:** Greg Loper discussed the item. Vice Chairman Tenney opened the public hearing; there being no comments, Vice Chairman Tenney closed the public hearing. **Supervisor DeSpain made a motion** to adopt **Resolution Number 17-10**, approving a Special Use Permit for Disgen Development Services, LLC to install a meteorological tower on APN 104-67-001E, with stipulations; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.
- e. **PUBLIC HEARING: Consideration and possible adoption of Resolution Number 18-10, approving a Special Use Permit for Disgen Development Services, LLC to install a meteorological tower on APN 104-71-004, with stipulations:** Greg Loper discussed the item. Vice Chairman Tenney opened the public hearing; there being no comments, Vice Chairman Tenney closed the public hearing. **Supervisor DeSpain made a motion** to adopt **Resolution Number 18-10**, approving a Special Use Permit for Disgen Development Services, LLC to install a meteorological tower on APN 104-71-004, with stipulations; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.
- f. **PUBLIC HEARING: Consideration and possible adoption of Resolution Number 19-10, approving a zone change request from A-General to Special Development for Robert Bezemer, Younger Ranch, LLP for a multiple use land development project known as Younger Ranch on APN 208-06-012A and APN 208-06-012B:** Bill Fraley discussed items f and g as they related to one another. Danny Shurter with Ironside Engineers addressed the Board and answered questions of the Board. Vice Chairman Tenney opened the public hearing; there being no comments, Vice Chairman Tenney closed the public hearing. **Supervisor DeSpain made a motion** to adopt **Resolution Number 19-10**, approving a zone change request from A-General to Special Development for Robert Bezemer, Younger Ranch, LLP for a multiple use land development project known as Younger Ranch on APN 208-06-012A and APN 208-06-012B; motion seconded by **Supervisor Brownlow**. Vote unanimous approving the motion.
- g. **PUBLIC HEARING: Consideration and possible adoption of Resolution Number 20-10, approving a Master Site Plan for the proposed Younger Ranch multiple use project on APN 208-06-012A and APN 208-06-012B, with stipulations:** Bill Fraley discussed the item. Vice Chairman Tenney opened the public hearing; there being no comments, Vice Chairman Tenney closed the public hearing. **Supervisor DeSpain made a motion** to adopt **Resolution Number 20-10**, approving a Master Site Plan for the proposed Younger Ranch multiple use project on APN 208-06-012A and APN 208-06-012B, with stipulations; motion seconded by Supervisor Brownlow. Vote unanimous approving the motion.

**COUNTY BUSINESS UPDATE: Report from Board members, County Attorney and County Manager:** Supervisor Brownlow indicated that he has been working with Mr. Berry on some forest issues and made further comments on District V. Supervisor DeSpain gave a report from District III and thanked all those that helped on lobbying for the budget and commented on the May election. James Jayne indicated that Dusty will be home this afternoon and also made comments regarding Linda Morrow who extended her thankfulness on the plant sent from the Board of Supervisors. Supervisor Brownlow thanked Homero Vela and the other key

players involved in the IGA for Billy Creek. Supervisor Tenney made comments on the four forest issues and the budgets issues.

**ADJOURN** At 11:06 a.m. **Supervisor Brownlow** made a motion to adjourn; motion seconded by **Supervisor Despain**. Vote unanimous approving the motion.

**APPROVED:**

**DATE: April 13, 2010**

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**Jesse Thompson, Chairman**

**ATTEST:**

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**Melissa W. Buckley, Clerk of the Board**

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