

MINUTES OF THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL HELD ON TUESDAY, OCTOBER 20, 2020 AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA

1. Call to Order.

Mayor Seymore called the meeting to order at 7:00 p.m.

2. Roll Call.

COUNCIL MEMBERS PRESENT: Mayor Seymore, Councilman Clark, Councilman Hatch, Councilwoman Kakavas, Councilman Kelley, and Councilman Leech.

COUNCIL MEMBERS ABSENT: Vice Mayor Allsop.

STAFF MEMBERS PRESENT: Ed Muder, City Manager; F. Morgan Brown, City Attorney; Justin Johnson, Deputy City Manager; Bill Kopp, Public Works Director; Justen Tregaskes, Planning and Zoning Director; Jeff McNeil, Police Commander; Rachael Hall, Deputy City Clerk; and Tamra Reidhead, City Clerk.

GUESTS: Laura Singleton, Buryl Cooper, Tom Brown, Twana Alexander, Glenda and Damon Ashcraft, Robert and Debbie Hamilton, David and Lynnette Behar, Steve Williams, Steve Heckathorne, Pete Kemp, Eric Bishop, Kevin Lowery, Norma Reed, Sharon Fox, Nancy Garera, Dawn Wilson, Jack Latham, Dante Edwards, Steven Kennedy, Rob Hephner, Terry Hill, Kevin Langdon, Walter Hutte, Steve Wagley, Gary Wolfrum, Jon Adams, and others.

3. Invocation.

Councilman Clark gave the invocation.

4. Pledge of Allegiance.

Councilman Leech led the Council and audience in the pledge of allegiance.

5. **CALL TO THE PUBLIC:**

Any citizen desiring to speak on a matter that **IS NOT** scheduled on this agenda may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the City Council as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the City Council. Pursuant to the Arizona Open Meeting Law, the City Council cannot discuss or act on items presented at this time. At the conclusion of the call to the public, individual City Council members may (1) respond to criticism made by

those who have spoken, (2) ask staff to review a matter, and (3) ask that a matter be put on a future agenda.

None

6. **SPECIAL EVENTS:**

A. Presentation by Show Low Chamber of Commerce.

Rob Hephner, Interim President of the Show Low Chamber Board of Directors and acting Executive Director, said the Chamber continued a focus on social media. The Chamber's Facebook page had an average of 10,000 people reached monthly, with 3,200 engagements. There was an average of 500 people reached per Instagram post.

Mr. Hephner said the Chamber began planning the Show Low Days and Derby Down the Deuce events that were scheduled for 2021.

Mr. Hephner said the Tourist Information Center (TIC) was fully staffed. The Chamber reworked the volunteer program to have business owners and members of the Chamber help in the TIC to ensure a connection to the Chamber's mission and purpose. The Chamber's mission was to "Encourage a strong local economy by providing networking and leadership opportunities for our members and the community."

Mr. Hephner said in August, the TIC had 423 visitors and 419 in September. The previous average was about 100 visitors per month. The Chamber focused on improving its website to help engage more people and direct visitors to visit the TIC.

B. Presentation of Snow Management Plan. (Rick Austin/Ryan Hall)

Mr. Austin presented the 2020-21 snow management plan, along with Ryan Hall, Streets Supervisor. Mr. Austin said the City was divided into 14 snow plow routes for which 28 operators were responsible. The main equipment used for snow removal included four ten-wheel trucks, two six-wheel trucks, three loaders with plows, and several pickup trucks.

Mr. Austin said in conjunction with the streets operations, the parks and facilities maintenance team would begin cleaning sidewalks and parking lots at all City-owned buildings, including the bus barn, aquatics center, senior center, police department, city hall, library, museum, cemetery parks, park trails, and the streetscape on the Deuce of Clubs. The main equipment used to clean these parking lots and sidewalks were four pickup trucks, two side-by-sides with plows, two tractors equipped with front loaders, and several snow shovels.

Mr. Austin said during a snow event, he along with Mr. Hall would assess the need for any equipment to be deployed for snow removal or deicing operations.

Mr. Austin said snow removal was classified into four levels of response from level 1 at a half-inch inch of snow to level 3 for three or more inches. Level 4 was reserved for a severe event that included hauling off snow to a predesignated area.

Mr. Austin said Mr. Hall, and Matt Armijo, Wastewater Collections Supervisor, were responsible for coordinating removal operations. Mr. Hall supervised shift A and Mr. Armijo supervised shift B. Snow operations would continue until all streets were open and passable.

Mr. Austin said one function in the snow plan was removing snow berms for the elderly and disabled citizens of Show Low. The City would return to the approved locations for snow berm removal when a resident had submitted a snow berm removal form with a doctor's statement that the applicant was physically unable to remove snow.

Mr. Austin said during snow events, airport staff would perform braking action tests at the airport to determine whether to remove snow or leave it in place to yield the best braking action.

Mr. Austin said the City's policy allowed residents to place their mailboxes in the City's right-of-way with proper permitting and by following specific directions regarding what could be installed. If snow plows damaged a mailbox, the resident had the option to make a claim, have the City replace the mailbox, or repair it themselves and submit receipts to the City. Staff would verify whether the damage was due to plow operations. If the City was responsible, reimbursement of up to \$100 or the value of the box could be obtained by the resident. Citizens could contact City Hall for a snow berm removal form or visit the City's website.

7. **CONSENT CALENDAR:**

- A. Proclamation by the Mayor Proclaiming November 8 through 14, 2020, as **COMMUNITY FAST OF COMPASSION FOR THOSE IN NEED WEEK** in the City of Show Low.
- B. Proclamation by the Mayor Proclaiming October 18 through 24, 2020, as **ARIZONA CITIES AND TOWNS WEEK** in the City of Show Low.
- C. Proclamation by the Mayor Proclaiming October 2020 as **SUBSTANCE ABUSE PREVENTION MONTH** in the City of Show low.

- D. Proclamation by the Mayor Proclaiming November 11, 2020 as **BUDDY POPPY DAY** in the City of Show Low.
- E. Consideration of Minutes of Show Low City Council meetings:
- (1) Study Session of September 29, 2020.
 - (2) Regular Meeting of October 6, 2020.

COUNCILMAN LEECH MOVED TO APPROVE THE CONSENT CALENDAR AS PRESENTED; SECONDED BY COUNCILMAN HATCH; PASSED 6 TO 0 WITH MAYOR SEYMORE, AND COUNCIL MEMBERS CLARK, HATCH, KAKAVAS, KELLEY, AND LEECH VOTING IN FAVOR.

A short video clip about services provided by cities and towns in Arizona, produced by the League of Arizona Cities and Towns, was shown.

Mayor Seymore read the Community Fast proclamation aloud and presented it to Committee Chairman Steve Williams, Pastor Stephen Heckathorne, and Reverend Tom Brown.

Chairman Williams said this was eighth annual Community Fast. People were invited to pick any day during the week of November 8 to 14, fast for one or two meals, and donate the money that would have been spent on those meals to the fund. That money would then be used for families in need. Donations would be accepted at any of the four banks in Show Low, City Hall, and their new website www.showlowcommunityfast.org. He said more than \$100,000 had been donated in the last eight years during this event.

Chairman Williams said due to the COVID-19 pandemic, a video tribute would be filmed and available for viewing on the website beginning November 22. He thanked the Council for their support.

Reverend Brown said the Community Fast was a highlight of the year for the community to work together and help local organizations with the collected donations.

Pastor Heckathorne said the Community Fast was an easy way for citizens to donate without being solicited or pressured. He thanked the City and Council for their continued support.

Mayor Seymore read the Buddy Poppy Day proclamation aloud and presented it to Commander Terry Hill.

Commander Hill gave a report of activities for the Veterans of Foreign Wars White Mountain Area Post 9907 (Post). In the last three months, the Post continued operating under the Governor's Executive order with COVID-19 protocols during routine meetings, canteen, and bingo operations. The Post continued to donate to the community and families during this time.

Command Hill said the Post would host a Veterans Day Ceremony at the Show Low Veterans Memorial and would host their annual Veterans Day dinner for all veterans at no cost. The Post would be hosting their annual Thanksgiving Dinner for the community. The Post began preparations to participate in the City's Christmas Light Parade this year.

Mayor Seymore thanked the Post for the display of flags at the Circle K gas station on the corner US60 and SR260 during Labor Day.

Councilman Leech asked Commander Hill to notify the City of upcoming events for the Council to attend. Commander Hill said yes, he would notify the City of upcoming events.

8. **NEW BUSINESS:**

- A. Consideration of Appeal of Conditional Use Permit 602-04-232 Submitted by Young Design Group on Behalf of Verizon Wireless to Allow for 110-Foot Mono-pine Cell Tower Located at 591 North Clark Road/3980 West Cooley. (Justen Tregaskes)

Mr. Tregaskes said on September 22, 2020, the Planning and Zoning Commission met to discuss Conditional Use Permit 602-04-232 submitted by Young Design Group on behalf of Verizon Wireless to allow for a 110-foot mono-pine cell tower located at 591 North Clark Road/3980 West Cooley, that being A.P. No. 309-52-027B. Six Commission members were present (Commissioner Bess absent). During that meeting, two motions to approve were made. Neither motion received a majority vote. No motion to deny was ever made by the Commission. In accordance with local, state, and federal requirements, any motion to deny must state the reasons for doing so. Following approximately two hours of discussion and public input, the Commission voted to continue this item to the October 13 meeting to allow the full Commission to be present.

Mr. Tregaskes said at its regular meeting of October 13, the Commission heard additional information presented by staff and the applicant, as well as additional public input from concerned area residents. Concerns centered on potential health effects, impacts on property values, safety issues, other possible locations and reduction of setbacks. He said the Courts had ruled that potential health effects of mono-pine or other cellular

towers were not considered a reason for denial unless the emissions from the cell tower exceeded the Federal Communication Commission (FCC) regulations. Following over an hour of questions and discussion, the Commission voted 4 to 3 to approve CUP 602-04-232 submitted by Young Design Group on behalf of Verizon Wireless to allow for a 110-foot monopine cell tower located at 591 North Clark Road/3980 West Cooley, that being A.P. No. 309-52-027B, subject to staff recommendations.

Mr. Tregaskes read the conditions aloud:

1. All development shall comply with all applicable federal, state and local requirements, including; FCC, Federal Aviation Administration (FAA) and building permit requirements.
2. The antenna and supporting structure shall not exceed 110 feet. No addition to the height of the tower shall be permitted.
3. The tower shall be in substantial conformance with the submitted site plan and submitted Determination of No Hazard to Air Navigation.
4. A maintenance plan for the tower shall be submitted to the Planning and Zoning Department. The tower shall be maintained in accordance with this plan.
5. As indicated by the applicant, no generators shall be utilized.

Mr. Tregaskes said as of October 15, the city clerk had received several appeals from neighboring property owners. Copies of these notices of appeals had been provided to the Council. City Code section 15-1-32(H) addressed the process for appeals of conditional use permits, as follows:

(H) Appeals.

- (1) Any aggrieved person may file an appeal with the city council regarding any decision of the planning and zoning commission regarding the commission's action on a conditional use permit by filing a written notice of appeal with the city clerk specifying the request. If no appeal is filed with the council within seven (7) days after commission action, the action of the commission shall be considered final.
- (2) When an appeal is filed with the city clerk, the planning and zoning director shall place the item on the next available regular city council meeting agenda, or in the alternative, the planning and zoning director may set the matter for public

hearing before the council as per the notification requirements outlined in section 15-1-32(G)(4). Notice shall be given to the planning and zoning commission of such appeal and the commission shall submit a report to the council prior to the hearing setting forth the reasons for its action taken. The commission shall be represented at the hearing by the commission chairman or his designee.

- (3) Council action.
 - (a) May grant or deny it; the council may elect to set the matter for a public hearing, and the latter action shall require notification as outlined in section 15-1-32(G)(4).
 - (b) The council shall, within fifteen (15) days of the public hearing, either uphold the decision of the planning and zoning commission or make a decision of its own. The council is not bound by the record of the commission's findings and/or decision in reaching its decision.
 - (c) The council may grant a conditional use permit with conditions the council deems necessary to secure the intent and purpose of this section and require such guarantees and evidence that such conditions are being, or will be, complied with as the council may desire.
 - (d) The council's decision shall be final and shall become effective immediately. Notice of the decision shall forthwith be mailed to the applicant at the address shown in the application.

Mr. Tregaskes said based on this section of the City Code, the Council could uphold the Commission Decision to issue CUP 602-04-232 with no changes to the conditions of approval, uphold the Commission Decision to issue CUP 602-04-232 and modify the conditions of approval, deny CUP 602-04-232, or elect to set the matter for a public hearing. The Council was not bound by the record of the Commission's findings and/or decision in reaching its decision. The Council's decision was final and would become effective immediately.

Mayor Seymore thanked residents for being present for this item. He thanked the Planning and Zoning Commission for their efforts. He said the City Code was 20 years old and items would need to be reviewed due

to advancing technology. He asked residents who were in attendance if they were in favor of the item as it was shown currently. A show of hands showed they were opposed. He asked the residents if they would be in favor if the tower could be moved further away from the residences and closer to the highway. A show of hands showed the residents were not in favor if the tower could be moved further away from current residences and close to the highway.

Mayor Seymore suggested a public hearing to be scheduled on November 17 for this item.

Councilman Leech suggested one person to speak on behalf of the residents during the public hearing regarding their concerns.

Councilman Kelley preferred that it was not limited to only one person to speak on behalf of the residents. He was in favor of a public hearing at a later time, and believed it was in the interest of the Council to take more time to review information regarding this item before making a decision.

Robert Hamilton, 401 North 43rd Drive, asked why the tower would need to be constructed so close to the neighborhood. Mayor Seymore said the applicant could discuss the location of the tower at the public hearing.

Kevin Lowery read aloud parts of what he thought was City Code Section 15-1-32(G)(2) and said if homeowners within 150 feet to the proposed location wrote a letter of protest to the City, then it would require Council's three-fourths vote to approve the application. Mr. Tregaskes said Mr. Lowery referenced the City Code that actually pertained to Commission action found in City Code Section 15-1-31(G)(2).

Mr. Tregaskes read aloud City Code Section 15-1-32(G)(2):

- (2) Deny the conditional use permit. If the Commission finds that the application and supporting data do not indicate that all applicable conditions and requirements of this section will be met, it shall deny the permit. Notice of denial, including reasons therefor, shall be mailed to the applicant at the address shown in the application, and the Commission shall report its actions to the City Council.

He said Mr. Lowery likely intended to refer to the City Code Section 15-1-31(G)(2), which discussed text amendments and zone changes. He said this application was not a zone change.

Mr. Tregaskes read aloud City Code Section 15-1-31(G)(2):

- (2) If the owners of 20 percent or more, either of the area of the parcel(s) of land included in the proposed change, or of those immediately adjacent in the rear or any side thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite parcels of land, file a protest in writing against a proposed amendment, the amendment shall not become effective except by a favorable vote of three-fourths of all members of the City Council.

Mr. Tregaskes said the application was for a Conditional Use Permit, which was found in City Code Section 15-1-32.

Mr. Lowery expressed concerns about the legitimacy of the vote taken on September 22 by the Commission and the denial of the application. Mayor Seymore said there was never a motion made to deny the application by the Commission. He explained that the Council had multiple options for a motion on this item. He said when a motion was made, it could stand on its own merits, or if it failed, then another motion would need to be made.

Mr. Brown explained that the Commission never voted to deny the cell tower. Per City Code and federal law, if a motion was made to deny an application, a reason must be stated for the denial.

Councilwoman Kakavas said there was a list of multiple reasons for an appeal from residents for which staff had created a response. She asked that residents receive the responses from staff before the November 17 meeting. Mayor Seymore directed residents who wished to receive the staff response to write down their contact information on the sign-in sheet.

Pete Kemp, a resident, expressed his appreciation that the Council was taking extra time to review more information about the cell tower. He expressed concerns regarding health issues.

Mayor Seymore said a decline in property values was a concern for some residents. He said during this time of COVID-19, it had been shown that some residents needed the data for work purposes. Data would be a need for a community's survival. Those who were looking to relocate would be looking for communities that had resources and data, which could increase property values. He said the Council would be looking at more information regarding this item.

Buryl Cooper, a resident, asked that the applicant research the list of alternative locations for the cell tower that the residents had provided. He asked that the applicant discuss those locations at the next meeting.

MAYOR SEYMORE MOVED TO TO SCHEDULE THE MATTER FOR A PUBLIC HEARING IN ACCORDANCE WITH SECTION 15-1-32(G)(3); SECONDED BY COUNCILMAN LEECH.

Steve Kennedy, a radio engineer consultant for Verizon Wireless, explained the health and safety effects of the cell tower. He said there were two different types of radio energy, ionizing and non-ionizing. Ionizing was energy such as an x-ray that could change DNA. Non-ionizing energy was radio waves that came from items such as televisions, radio stations, cell phones, baby monitors, etc. The only side effect from non-ionizing energy was heat. The FCC created exposure limits that wireless carriers had to adhere to when constructing new cell phone towers for the public's safety.

Councilman Clark asked if this cell tower would be strictly for Verizon Wireless. Mr. Kennedy said the tower would be constructed so other carriers could hang antennas from the tower as well. There were currently no agreements in place with any other carriers at this time.

Mr. Kennedy explained the need for a cell tower in the location due to heavy user traffic. The more cell phone users there were in an area, the less capacity the cell phone carrier would have for the users. He said this area was busy and continued to grow, and carriers would need to build the capacity to have coverage for the cell phone users.

Councilman Hatch asked Mr. Kennedy if he helped design and select the site for the cell tower. Mr. Kennedy said no, he did not select the site for the cell tower, but he reviewed the design and data for it. He said cell towers should be built where the users were. The customers that were using the capacity were located near this site that was selected. The engineers that selected the site had to review the locations of current transmitters and find a site that would be in the middle to help off-load capacity on the current transmitters to create better service for users.

MOTION PASSED 6 TO 0 WITH MAYOR SEYMORE, AND COUNCIL MEMBERS CLARK, HATCH, KAKAVAS, KELLEY, AND LEECH VOTING IN FAVOR.

9. **SUMMARY OF CURRENT EVENTS:**

A. Council Members

None.

B. Mayor

Mayor Seymore said the low humidity and dry conditions in the area greatly increased the risk of wildfires. While it was unusual for this time of year, he would be issuing an emergency proclamation instituting stage one fire restrictions in Show Low this Friday, October 23. Until the fire danger abated, no fires or campfires would be allowed on any property within the City, and no smoking would be allowed except within an enclosed vehicle or building. Motorized vehicles were restricted to defined paved and unpaved roadways. Restrictions did not include petroleum-fueled stoves, lanterns, or heating devices and charcoal-burning cooking devices used at residences. Anyone who violated this ban on open fires and smoking could be charged with a class one misdemeanor. He urged citizens to be extra-cautious, especially while dry conditions continued in the area.

C. City Manager

Mr. Muder said in partnership with Show Low Main Street, the City would be hosting a “Haunted Halloween Drive-Thru Trunk or Treat” on October 31, at Show Low City Park. This free family event would feature over 40 decorated vehicles with prepackaged treats for families.

Mr. Muder said in public works projects, work continued on the East Hall sidewalk and drainage project from 11th Street to White Mountain Road, on the roadway reconstruction project on portions of West Cooley and North 4th Avenue, and on the Cub Lake Road waterline replacement project. Construction would begin next week on the fence in the Meadow near the new pavilion and along White Mountain Road.

10. **SCHEDULING OF MEETINGS:**

Scheduling of meetings, which may be brought up at this time.

Mayor Seymore said the Council Retreat would be on October 29.

11. **ADJOURNMENT.**

There being no further business to be brought before the Council, **MAYOR SEYMORE ADJOURNED THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL OF OCTOBER 20, 2020 AT 8:21 P.M.**

ATTEST:

APPROVED:

Tamra Reidhead, City Clerk

Daryl Seymore, Mayor

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