

**MINUTES OF THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL HELD ON TUESDAY, NOVEMBER 17, 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, Vice Mayor Allsop, Councilman Clark (via phone conference), Councilman Hatch, Councilwoman Kakavas, Councilman Kelley, and Councilman Leech.

**COUNCIL MEMBERS ABSENT:** None.

**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; Brad Provost, Police Commander; Rachael Hall, Deputy City Clerk; and Tamra Reidhead, City Clerk.

**GUESTS:** Nancy Garera, Sandy Goodrich, Christine Brady, Mike and Angie Dalessandri, Walter Hutte, Charles Behury, Kevin Lowery, Councilwoman-elect Dawn Wilson, Sharon Stone, Gary Wolfrum, Bob and Debbie Hamilton, Twana Alexander, Kevin Langdon, Holly and Michael McMullen, David and Lynnette Behar, Jean Estrada, Susan Wagley, Trisha Spear, Al and Brenda Dynes, Steve Kennedy, Doug Roberts, Denise Coffey, Eric Bishop, Jerry Bergstrand, Pete Kemp, Rob Hephner, Councilman-elect Jon Adams, and others.

3. Invocation.

Mayor Seymore gave the invocation.

4. Pledge of Allegiance.

A video clip of the Show Low High School Show Biz Choir singing the national anthem was shown in lieu of 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 High School Show Biz Choir.

Josh Kittle and Sierra Padgett, Show Biz Choir students, announced the 36th annual Feaste of Carols on December 9 through 12 at Whipple Ranch Elementary School. The choir students would perform five shows, including dessert only on Wednesday night and full-course meals on Thursday, Friday, and Saturday nights. A matinee would be performed at noon on Saturday where soup, salad, and dessert would be served. Tickets were available for purchase by emailing [feasteofcarols@yahoo.com](mailto:feasteofcarols@yahoo.com)

A video clip of the Show Low High School Show Biz Choir singing “Silent Night” was shown.

B. 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’s social media pages stayed consistent with activity last month. The Chamber also began capturing activity from their Google page and Pinterest. Instagram continued to reach 500 people per post.

Mr. Hephner said the Chamber continued planning the Show Low Days and Derby Down the Deuce events that were scheduled for 2021. Discussion began for a Chamber breakfast event, but this event would be put on hold due to the increase of COVID-19 cases in the area.

Mr. Hephner said the Chamber was considering refinancing the building where the Tourist Information Center (TIC) was located but faced some challenges.

Mr. Hephner said the Chamber conducted a meeting with the Arizona Office of Tourism and would be asking the Mayor and City Manager to write letters to encourage the approval of the Arizona Office of Tourism application of recognition.

Mr. Hephner said the new winter hours of Monday through Friday, 9:00 a.m. to 4:00 p.m., began for the TIC. The TIC would be closed on Saturdays during the winter.

Mr. Hephner said in October, the TIC had 269 visitors. The previous average was about 100 visitors per month.

7. **CONSENT CALENDAR:**

- A. Consideration of Acceptance of Senior Center Kitchen Expansion, City of Show Low Project No. CS-1220B. (Bill Kopp)
- B. Consideration and Acceptance of Amendment to Governor's Office of Highway Safety Grant and Authorization of Associated Budget Transfers. (Joe Shelley)
- C. Consideration of Approval to Hire One Additional Full-Time Equivalent (FTE) in Fiscal Year 2021 Budget. (Justin Johnson)
- D. Consideration of Minutes of Show Low City Council meetings:
  - (1) Regular Meeting of November 3, 2020.

Vice Mayor Allsop asked that item 7-A (consideration of acceptance of Senior Center Kitchen Expansion, City of Show Low Project No. CS-1220B) be pulled from the Consent Calendar for discussion.

**COUNCILMAN LEECH MOVED TO APPROVE THE CONSENT CALENDAR AS PRESENTED EXCEPT FOR ITEM 7-A (CONSIDERATION OF ACCEPTANCE OF SENIOR CENTER KITCHEN EXPANSION, CITY OF SHOW LOW PROJECT NO. CS-1220B); SECONDED BY COUNCILMAN HATCH; PASSED 7 TO 0 WITH MAYOR SEYMORE, VICE MAYOR ALLSOP, AND COUNCIL MEMBERS CLARK, HATCH, KAKAVAS, KELLEY, AND LEECH VOTING IN FAVOR.**

Vice Mayor Allsop thanked staff for their work on obtaining a grant to build the kitchen expansion at the Senior Center. The expansion increased the kitchen size by 400 square feet of space and added a larger refrigerator and freezer for the Senior Center.

**COUNCILMAN LEECH MOVED TO ACCEPT THE CONSTRUCTION OF THE SENIOR CENTER KITCHEN EXPANSION, CITY OF SHOW LOW PROJECT NO. CS-1220B, APPROVE THE FINAL PAYMENT, AND INITIATE THE TWO-YEAR WARRANTY PERIOD; SECONDED BY VICE MAYOR ALLSOP; PASSED 7 TO 0 WITH MAYOR SEYMORE, VICE**

**MAYOR ALLSOP, AND COUNCIL MEMBERS CLARK, HATCH, KAKAVAS, KELLEY, AND LEECH VOTING IN FAVOR.**

8. **NEW BUSINESS:**

- A. **PUBLIC HEARING** – 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)

Mayor Seymore said due to COVID-19, the Council would allow citizens to call in during the Public Hearing portion for this item.

Mayor Seymore asked citizens to limit their comments to new discussion topics during this item. The Council had previously reviewed topics and concerns that had been presented and discussed in previous meetings.

Mr. Tregaskes said this item was scheduled for a Public Hearing tonight, and following the Public Hearing the Council would have three options to consider for this item.

Mr. Tregaskes read aloud the options:

1. Uphold the Commission Decision and approve CUP 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, with no amendments to the conditions of approval.
2. Amend the Commission Decision and approve CUP 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, with amendments to the conditions of approval.
3. Overturn the Commission Decision and deny CUP 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. Any motion to deny must state the reasons for doing so.

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 properties. According to the site plan, the existing trees in the vicinity of the proposed tower are approximately 60, 62, 68, 72, and 73 feet tall. The applicant is proposing a 110-foot tall mono-pine tower, which would be approximately 40 feet taller than the surrounding trees. The applicant had provided a picture of an actual installation of one of their mono-pine towers, and it has been attached to the packet for review. For reference, the two most recently approved towers were 80 feet tall.

Mr. Tregaskes said City Code Section 15-1-69(G)(2)(d)(1) stated, "Towers must be set back a distance equal to 125 percent of the height of the tower from any adjoining lot line, but may be reduced by the Commission if the goals of this ordinance would be better served thereby." Based on this requirement the setback for a 110-foot tower would be 137.5 feet from all property lines. The applicant had proposed the following setbacks; 93.8 feet to the north, 200.8 feet to the east, 158 feet to the south, and 124.7 feet to the west. Due to the dimensions of the property, it was impossible to place the tower outside of the 200-foot visual corridor protection area and meet the 137.5-foot setbacks from all property lines. Also, City Code Section 15-1-69(G)(2)(e)(1) stated; "Separation from all residentially zoned properties shall be a minimum of two hundred (200) feet, but may be reduced by the commission if the goals of this ordinance would be better served thereby." To meet the 200-foot roadway visual corridor protection area, the tower would only be set back 124.7 feet from the residentially zoned properties to the west of the subject property. Per City Code, the Commission could grant an allowance to reduce the fall zone and separation from residentially zoned property requirements provided, "...the goals of this ordinance would be better served thereby."

Mr. Tregaskes reviewed the goals of the ordinance established by City Code Section 15-1-69(A).

Mr. Tregaskes said the applicant had not requested a variance but a reduction to the setbacks from a residential zone and the 125-percent fall-zone setback along the north property line. The request was permitted by City Code and was not a variance. Only the Board of Adjustment could

approve variances to City Code. The applicant had requested that the Planning and Zoning Commission allow a 75.3-foot reduction to the 200-foot set back from a residential zone, which would be 124.7 feet. The applicant was also requesting a 43.7-foot reduction of the 137.5-foot setback to the north property line, which would be 93.8 feet. Reductions to these setbacks were allowed by City Code if the Commission felt that the goals of the ordinance would be better served by the decision.

Mr. Tregaskes said the property was posted and letters were sent to all property owners within 300 feet of the subject property. Prior to the last meeting, staff received a phone call and email from a resident identifying himself as a representative of the Fairway Park Home Owners Association (HOA). He expressed concerns of visual aesthetics, health effects, and declining property values due to the proposed tower. An email from this individual had been sent to the Council for review.

Mr. Tregaskes said at the regularly scheduled Planning and Zoning Commission meeting of September 22, 2020, several neighboring property owners spoke in opposition to the proposed tower. Also, several neighbors located within 300 feet of the property indicated that they had not received notice of the meeting. City staff mailed letters to all property owners within 300 feet of the subject property using the mailing addresses obtained from Navajo County tax records. In addition, public notice signs were posted on the subject property off both West Cooley and North Clark Road. City Code Section 15-1-33(F) regarding notification requirements stated, "Notice of the nature of the conditional use permit application and the date of the meeting at which it will be considered shall be posted on the property and shall be mailed to the owners of all real property within three hundred (300) feet of the property for which application is made at least ten (10) days prior to the meeting. Notwithstanding the notice requirements set forth in this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given."

Mr. Tregaskes said at the September 22 meeting, a number of property owners spoke in opposition to the proposed project. Concerns included health issues, impacts to property values, the reduction in the residential setback, clearing of trees, and safety. Residents also questioned the need for this specific site and suggested other locations might be better suited. Two motions to approve the request were made, with both motions failing. No motion was made to deny the application. The Commission then continued this item from the September 22, 2020 meeting to October 13, 2020 in order to allow for a full Commission to be present. Since the September meeting, staff had received multiple emails and letters from nearby property owners in opposition to the proposed

mono-pine tower. The letters and emails were sent to the Council for review.

Mr. Tregaskes discussed the timeline for the item. On August 25, the application was received by the applicant. On September 22, the item was presented to the Planning and Zoning Commission and was continued for the next meeting. On October 13, the item was heard for a second time at the Planning and Zoning Commission and the item passed with a 4 to 3 vote. The item was appealed and the Council heard multiple appeals at its regular meeting on October 20. The Council scheduled the item for a Public Hearing, which was being held at tonight's meeting.

Mr. Tregaskes discussed the applicable City Code sections that pertained to this item included Section 15-1-32 (conditional use permits) and Section 15-1-69 (wireless telecommunications towers and antennas). He said the following City Code sections did not apply: Section 15-1-31 (text amendments and zone changes – did not apply as this was not a zone change) and Section 15-1-35 (appeals and variances – did not apply as this was not a variance.)

Mr. Tregaskes said the allowable reductions were found in City Code section 15-1-59(G)(2)(d), which stated "Towers must be set back a distance equal to at least one hundred twenty-five (125) percent of the height of the tower from any adjoin lot line, but may be reduced by the Commission if the goals of this ordinance would be better served thereby." The reduction by the Commission was permitted by City Code and was not a variance or violation of City Code.

Mr. Tregaskes said allowable reductions of setbacks from residentially zoned property were found in City Code section 15-1-69(G)(2)(e), which stated (Separation from all residentially zoned properties shall be a minimum of two hundred (200) feet, but may be reduced by the Commission if the goals of this ordinance would be better served thereby." Reduction by the Commission was permitted by City Code and was not a variance or violation of City Code.

Mr. Tregaskes said City Code section 15-1-69(A) outlined the purpose of the ordinance was to establish general guidelines for the siting of wireless communications towers and antennas.

Mr. Tregaskes reviewed the goals of the ordinance aloud:

- (1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;

Mr. Tregaskes said the proposed subject property was commercially zoned and was surrounded by commercially zoned property to the north, south, and east. The property to the west was residentially zoned but was previously zoned for commercial, but went through a zone change in 2007. Mrs. Cash's property was one of those properties that had previously been zoned for commercial.

- (2) Encourage the location of towers in non-residential areas;

Mr. Tregaskes said that the proposed subject property was commercially zoned.

- (3) Minimize the total number of towers throughout the community;

Mr. Tregaskes said the applicant had indicated that the proposed tower would be designed in such a way to allow additional indicators could be added to the tower. This would reduce the number of potential towers in the future.

- (4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

Mr. Tregaskes said the tower was designed as a multi-use tower.

- (5) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;

Mr. Tregaskes said the applicant indicated the tower would be a mono-pine tower instead of a lattice or pole type tower to match nearby pine trees in the area.

- (6) Consider the public health and safety of communication towers;

Mr. Tregaskes said the base of the tower would have a fence to prohibit trespassers. The applicant indicated they would not exceed the FCC guidelines for public health and safety.

- (7) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures; and

- (8) Protect airport approach corridors.



Mr. Tregaskes said the applicant had submitted an application to FAA to determine whether the tower was a hazard to air navigation. The FAA said the tower would not be a hazard. The tower was not proposed to be lit.

Mr. Tregaskes said the Council may 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, or overturn the Commission Decision and deny CUP 602-04-232. 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.

Mr. Tregaskes read the Commission's conditions aloud:

1. All development shall comply with all applicable federal, state and local requirements, including; Federal Communications Commission (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.

Councilwoman Kakavas asked for clarification that the subject property was zoned for commercial use. Mr. Tregaskes said yes, the subject property was zoned C-2 (General Commercial), which was the original zoning of the property that dated to the 1970's. The four properties that were directly to the west of the subject property were originally zoned C-2 but were requested by the property owner for rezoning to residential in 2007.

Councilwoman Kakavas asked if the applicant would be leasing the whole subject property or just a portion for the tower. Mr. Tregaskes said the applicant would be only leasing the portion of the property that the tower and related equipment would be on, which would be a 20-foot by 30-foot

footprint. There could be potentially other development on the remaining portion of the property.

Councilman Leech clarified that since the subject property was zoned C-2, there were different types of commercial buildings that could be constructed on the property. Mr. Tregaskes said yes, there could be a number of uses that could be on the property, and a maximum of 45-foot tall commercial building could be constructed on the property.

Mayor Seymore asked if this application was approved and reduced the fall-zone for the tower, whether the same fall-zone reductions would apply to a new commercial building. Mr. Tregaskes said no, the tower and potential building would not be required to meet the same fall-zone.

Councilwoman Kakavas asked if there were other available portions on the subject property for the tower to be constructed. Mr. Tregaskes said yes, there were other portions available, but the tower would still not meet setback requirements such as the 200-foot visual corridor from roadways. The visual corridor could not be reduced by the Commission.

Vice Mayor Allsop asked for clarification on the reason for the reduction of setbacks. Mr. Tregaskes said the applicant requested the reduction in setbacks and the Commission allowed the reduction based on City Code. The City Code allowed the Commission to reduce the fall-zone and residential property line setbacks. If the Council felt that the reduction made by the Commission was not appropriate, then the Council could overturn the Commission's decision and deny the conditional use permit. The Council would need to state the reasons for the denial of the conditional use permit.

Mayor Seymore asked if there was a limit that the Commission could reduce the setback requirements. Mr. Tregaskes said no, the Commission did not have a limit on reduction of setback requirements. The applicant presented the Commission with a reduction to the north of the proposed location and to the west and the Commission approved the reduction. The setback to the north was supposed to be 137 feet, the applicant asked for the setback to be 93 feet and 8 inches, which was a reduction of 43 feet. The setback to the west was supposed to be 200 feet, the applicant asked for a setback of 124 feet and 7 inches, which was a reduction of 75 feet.

Councilwoman Kakavas asked if the property to the north was commercial and if the applicant proposed cutting down trees on the subject property. Mr. Tregaskes said yes, the property to the north was zoned C-2, which was the Dollar General Store. The applicant's site plan indicated that no trees would need to be cut down to construct the tower.

Vice Mayor Allsop asked if the camouflage for the tower would extend the 110-foot height. Mr. Tregaskes said no, the maximum height from the ground level to the very top would be 110 feet, and the pine tree camouflaging would not extend past that height.

Councilman Leech proposed that the fence around the tower be camouflaged for aesthetic reasons.

Mayor Seymore asked for the applicant to review the need and benefit for the proposed tower.

Nancy Garera, Young Design Group representative, said she spoke with Timber Mesa Fire and Medical Chief Bryan Savage who wrote her a letter describing the need to improve the digital network and capacity in the region. Chief Savage wrote that the White Mountain region was in dire need of improvements to the cellular network. Emergency services relied heavily on cellular data for communication and data dissemination.

Steve Kennedy, a radio engineer consultant for Verizon Wireless, gave an overview of wireless utilization. He said 82% of all mobile data traffic would be video by 2021 (which took up a lot of capacity), 57% of American homes relied exclusively on cellular phones, and 80% of 9-1-1 calls were placed from a wireless device.

Mr. Kennedy said the objectives of the new site were capacity and coverage. There was a high amount of resource requests and capacity needs from users in suburban areas, and this area needed an additional cell split to off-load current towers due to high utilization by wireless customers. The proposed site would fill a significant gap in coverage for the western side of the City, and would also provide in-building coverage for users in the surrounding area, as well as in-vehicle coverage. The demands per user increased in the area and call quality would significantly decrease without a new cell split.

Mr. Kennedy reviewed the coverage analysis which included the reference signal received power plots, best server plots, and open signal maps. The proposed tower would help two other towers with their data capacity and coverage to create better service for all users.

Mr. Kennedy said the other proposed sites by residents were reviewed and would not be located in sufficient areas to provide any coverage for the City. Most of the proposed sites were right next to a current tower and would not provide the ability to be in the middle of two towers to help off-load capacity to create better coverage for users.

Councilwoman Kakavas asked Mr. Kennedy to explain the health risks for the proposed tower. Mr. Kennedy said commercial wireless carriers were all regulated by the Federal Communications Commission (FCC), which came up with safe and allowable exposure limits that carriers had to adhere to for public's safety. 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. Radio transmitter was non-ionizing energy, such as a light bulb. The only side effect from non-ionizing energy was heat. The absorption of waves was proximity based. The closer an individual was to the antenna the more non-ionizing energy was absorbed. An individual would absorb 50% of the FCC's general public limit with a smartphone next to their ear, versus below 5% of the FCC's general limit from the antennas when an individual was standing 20 feet away from the proposed tower. The further an individual walked away from the tower the lower the absorption rate would be. The FCC exposure limits ensured the amount of heat that was being generated close to individuals was within the tolerances required.

Mayor Seymore said Kevin Lowery provided a document of information for the Council to review. He asked who the author of the provided information was from and if they were available for questions. Mr. Lowery said the author of the document was Capanelli and Associates, which was compiled on the behalf of the residents who retained the law firm. Mr. Lowery was not sure if they would respond to any questions the Council would have.

Mayor Seymore opened the matter for public hearing.

Sandy Goodrich, 601 North 43rd Avenue, strongly encouraged the Council to deny the conditional use permit. She stated it violated City Code. She expressed concerns of the accuracy of the applicant's data concerning the need for the tower.

Jerry Bergstrand, 631 North 34th Drive, supported the proposal of the tower. He was a cellular customer that would benefit from better coverage in the area. As a retired real estate appraiser, he did not believe the tower would de-value the surrounding properties.

Mr. Lowery, 680 North 43rd Drive, expressed concerns regarding dangers of structural failures, fires, and the falling of ice and debris. Residents frequently walk to the Dollar General Store through the proposed property. He mentioned Mrs. Cash lived 125 feet from the proposed tower. Mayor Seymore corrected the information that Mrs. Cash property line was 125 feet from the proposed tower.

Councilman Leech questioned the accuracy of the document Mr. Lowery had given the Council and was reading from. He was concerned that the Council couldn't contact the author of the document to question and gather more information if needed.

Michael McMullen, 401 North 40th Circle, expressed his concerns about reduction in setbacks.

Polly McMullen, 401 North 40th Circle, expressed her concerns about the data that was provided for the need of the tower. She used her cellular data while working from home and did not see the need for a new tower.

Walter Hutte, 4001 West Cooley, said denying this tower in the proposed location was not denying a tower entirely. He suggested that the applicant could find another location to construct the tower, or improvements could be made to the current towers.

Lynette Behar, 2300 North Cottage Trail, read the FCC Office of Engineering and Technology (OTE) Bulletin 65 and expressed concerns that the document was created in 1985 and updated in 1997, which was prior to 3G technology. She said in 2004, firefighters opposed the use of fire stations for use of cellular towers until a study was conducted and proven that such sites were not hazardous.

Susan Wagley, 400 North 40th Circle, asked for clarification on a dead-zone area. She expressed concerns regarding driving by a cellular tower and loss of reception. She asked if there would be a dead-zone next to the tower in the neighborhood of the proposed tower.

There being no further input, Mayor Seymore closed the public hearing.

Mayor Seymore asked for clarification from the City Attorney if there were any violations of the City Code if the application was approved. Mr. Brown said it was not against the City Code to reduce the setbacks if the goals of the ordinance were being met.

Mayor Seymore asked if it was required to have hard data to approve the application. Mr. Brown said no, there was nothing stated in the City Code about requiring hard data.

Vice Mayor Allsop asked if a reduction of setbacks had been done for previous towers. Mr. Tregaskes said yes, there were two other towers that requested reductions in setbacks that were approved. A 60-foot reduction to a fall-zone was approved for two previous towers, and there was a significant reduction to a residential property setback.

Mayor Seymore asked for clarification for visual corridor setbacks concerning the reason why the Commission was not allowed to reduce those setbacks and about the possibility of getting a variance for a reduction in the visual corridor setbacks. Mr. Brown said he wasn't sure of all the reasons a 200-foot visual corridor was set in place, but one reason was so that drivers would not be distracted while driving down the road. The Board of Adjustment granted variances based on several items such as shape and size of the lot and other issues. State statutes set up the regulations for the Board of Adjustment.

Councilman Kelley asked when the City Code section 15-1-69 was adopted. Mr. Tregaskes said Ordinance 493 that adopted section 15-1-69 was adopted June 19, 2001. Councilman Kelley expressed concerns that the tower would be closer to residential homes instead of the roadways. He understood the Commission had authority to reduce the setbacks if the goals were met, but he did not believe the goals would be met for this tower.

Mayor Seymore said safety was a concern but was also regulated by the federal government. The COVID-19 pandemic has shown a need for cell service and data in the area. He reminded the Council that if a member wanted to propose denying the application, then a reason for the denial must be stated.

Councilman Leech asked if the fencing surrounding the tower could be extended to help protect residents from any potential falling of debris or ice. Mr. Tregaskes said there were no requirements regarding fencing in a fall-zone, but the Council could require as a condition of approval for the applicant to provide a larger footprint of fencing for protection.

Vice Mayor Allsop thanked the Commission for their work on the decision regarding this item. He expressed the need to protect the property owners and allowing them to do what they wanted to do on their property, but he also recognized the need to protect all residents within the City. He expressed concern with the property being zoned C-2 and the many different types of buildings that could be installed on the property compared to the tower. He did not like the idea of reducing the setback requirements and believed the tower would be better suited at a different location.

Mayor Seymore asked if the tower would hit any structure within a 130-foot proximity if it were to fall. Mr. Tregaskes said he didn't have exact dimensions to the surrounding structures, but in reviewing the aerial it showed a significant amount of space for the fall-zone. Mayor Seymore recognized the difficulty of finding a commercial property that had enough

space to fit within the required setbacks and not require setback adjustments.

Mr. Kennedy said 5G would use existing spectrums with newer technology, such as the same as when carriers went from 3G to 4G. He said that the OTE Bulletin 65 was reviewed in 2019 for the higher frequency involved with 5G technology and the radio waves were still the same and non-ionizing.

Councilman Hatch researched more information and read statements stating there was no harm from these towers. He was concerned about the aesthetic for the near-by residents and drove around the neighborhood and did not believe the residents would be able to see the tower through all the foliage in the neighborhood.

**COUNCILMAN KELLEY MOVED TO DENY THE CONDITIONAL USE PERMIT APPLICATION BASED ON THE FACT THAT THE PROPERTY DID NOT MEET THE CITY SPECIFICATIONS FOR ALL SETBACKS TO BE MET; SECONDED BY VICE MAYOR ALLSOP, MOTION FAILED 2 TO 5 WITH VICE MAYOR ALLSOP AND COUNCIL MEMBER KELLEY VOTING IN FAVOR AND MAYOR SEYMORE, AND COUNCIL MEMBERS CLARK, HATCH, KAKAVAS, AND LEECH CASTING THE DISSENTING VOTES.**

**COUNCILMAN LEECH MOVED TO APPROVE CUP 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 WITH AN AMENDMENT TO THE CONDITIONS OF APPROVAL TO EXPAND THE FENCING AROUND THE TOWER TO COVER THE FOOTPRINT OF THE TOWER AND TO CAMOUFLAGE THE FENCING; SECONDED BY COUNCILMAN HATCH; PASSED 5 TO 2 WITH MAYOR SEYMORE, AND COUNCIL MEMBERS CLARK, HATCH, KAKAVAS, AND LEECH VOTING IN FAVOR, AND VICE MAYOR ALLSOP AND COUNCIL MEMBER KELLEY CASTING THE DISSENTING VOTES.**

Mayor Seymore moved Scheduling of Meetings to this portion of the Meeting.

10. **SCHEDULING OF MEETINGS:**

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

Mr. Muder said the Council would need to hold a study session regarding the City Campus Gym flooring replacement. It was discussed and a study session was scheduled for November 23, at 6:30 p.m.

9. **SUMMARY OF CURRENT EVENTS:**

A. Council Members

Councilwoman Kakavas encouraged citizens to receive a flu shot and wished everyone a happy Thanksgiving holiday.

Vice Mayor Allsop attended Show Low Main Street meeting where they discussed the new website design, Shop Small Saturday Downtown Merchant Poker Walk, decorating downtown, and helping with the Christmas light parade.

Vice Mayor Allsop said Show Low Main Street, Show Low Senior Center, Show Low High School would be handing out 300 meals and 500 turkeys for residents in need this year. The turkey giveaway would take place on November 23, east of the LDS Downtown Chapel on 11th Street. The ready-made meals would be handed out during the same time at the Show Low Senior Center at 301 East McNeil.

B. Mayor

Mayor Seymore thanked citizens and local businesses for their donations to the Community Fast. The video tribute would be filmed and available for viewing on the website [www.showlowcommunityfast.org](http://www.showlowcommunityfast.org) beginning November 22.

Mayor Seymore wished everyone a happy Thanksgiving holiday.

C. City Manager

Mr. Muder said the Show Low Family Aquatic Center would be closed for three weeks from November 26 through December 14 for annual maintenance.

Mr. Muder said the recreation department was accepting youth basketball registrations for 1st through 6th graders until December 23. A late fee would apply for those who registered between December 24 and 30.

Mr. Muder said Christmas lights in the City would be turned on the day after Thanksgiving for the annual Show Low Shines.

Mr. Muder said in public works projects, installation of the new playground equipment at Raeland and Archibeque Parks would be completed by the end of this week. Work continued on the East Hall sidewalk and drainage project from 11th Street to White Mountain Road; on the Cub Lake Road



waterline replacement project; and on the West Cooley sewer, phase II, project along West Cooley between 4th and 5th Avenues. He thanked the citizens for their patience as these important projects were completed.

Mr. Muder said there would be a controlled burn at the polishing ponds at Pintail Lake tomorrow.

Mr. Muder said City offices would be closed next week November 26 and 27, for the Thanksgiving holiday. He wished the citizens a happy Thanksgiving holiday.

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 NOVEMBER 17, 2020 AT 9:57 P.M.**

ATTEST:

APPROVED:

\_\_\_\_\_  
Tamra Reidhead, City Clerk

\_\_\_\_\_  
John Leech, Jr., Mayor

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**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the **REGULAR MEETING** of the City Council of Show Low held on November 17, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Tamra Reidhead, City Clerk