

MINUTES OF THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL HELD ON TUESDAY, APRIL 20, 2021 AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA

1. Call to Order.

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

2. Roll Call.

COUNCIL MEMBERS PRESENT: Mayor Leech, Vice Mayor Kakavas, Councilman Adams, Councilman Allsop, Councilman Clark, Councilman Hatch, and Councilwoman Wilson.

COUNCIL MEMBERS ABSENT: None.

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

GUESTS: Ben Davies, Jim Girard, Neil and Beth Traver, John C. Hannah, Mari Leaton, Donna and Gary Slowik, Michael J. Romano, Doug Roberts, and others.

3. Invocation.

Councilman Clark gave the invocation.

4. Pledge of Allegiance.

Councilwoman Wilson 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 within the jurisdiction of the City Council 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 Regarding Wildfire Mitigation by Arizona Public Service.

Neil Traver, Arizona Public Service (APS) Division Manager for Northeast Arizona, said APS created a fire mitigation plan with many components that included trimming trees near power lines, creating defensible space around power poles, inspecting power lines, and de-energizing power line devices called reclosers. APS would begin turning off their reclosers during fire season to prevent power lines from automatically attempting to re-energize if an object of some sort hit the lines, causing an outage. The purpose was to mitigate and reduce fires caused by APS's equipment.

Mr. Traver said APS's main priority was safety for the public, its employees, and first responders. Ultimately, turning off the reclosers would mean that instead of having momentary power outages, there would likely be extended outages for an hour or two or even longer. The City of Show Low was considered a high fire-risk area so the entire city would be impacted by this policy. APS would be sending out more information via postcards, emails, and text messages to APS customers. APS would work with the Forest Service to determine when the policy would take effect.

Councilwoman Wilson asked about the effectiveness of APS's mitigation plans. Mr. Traver said APS had been practicing these mitigation plans for several years across the state and it proved to be very effective.

Mayor Leech asked if wooden power poles were replaced with metal poles when they were unsalvageable after a fire. Mr. Traver said yes, APS replaced any destroyed wooden power poles with steel poles in locations that allowed for that material.

7. **CONSENT CALENDAR:**

A. Consideration of Renewal of Contract for Professional Audit Services. (Justin Johnson)

B. Consideration of Noncommercial Ground Lease with John E. Osborne and Assignment to D.W. Lusk Contracting, LLC at 3570 Corporate Way. (Bill Kopp)

C. Consideration of Approval of Federal Aviation Administration Airports Improvement Program Grant Application for South Apron Rehabilitation Project Construction. (Bill Kopp)

- D. Consideration of Resolution No. R2021-04 Authorizing Intergovernmental Agreement with Navajo County Community College District for Northeastern Arizona Law Enforcement Training Academy. (Joe Shelley)
- E. Consideration of Minutes of Show Low City Council meetings:
 - (1) Special Meeting of February 26, 2021.
 - (2) Regular Meeting of April 6, 2021.
 - (3) Study Session of April 6, 2021.

COUNCILMAN ALLSOP MOVED TO APPROVE THE CONSENT CALENDAR AS PRESENTED; SECONDED BY COUNCILMAN HATCH; PASSED 7 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, HATCH, AND WILSON VOTING IN FAVOR.

8. **NEW BUSINESS:**

- A. Consideration of Appointment of Parks and Recreation Advisory Committee Members. (Rachael Hall)

Ms. Hall said the terms of three Parks and Recreation Advisory Committee members, Stephen Hair, Dawn Hall, and Eric Podoll, expired at the end of March. The three incumbents were contacted to gauge their interest in reapplying. All three incumbents chose to reapply.

Ms. Hall said per policy, City staff advertised the three vacancies. Staff received applications from two additional interested individuals: Becky Clark and Viola Kinney. Four applicants were interviewed by the Council on March 23 and one applicant was unavailable for an interview.

Ms. Hall said after the votes were tallied and the three individuals with the most votes were announced, a formal motion would be made based on the results. The Council members marked their choices for the three vacant positions.

Councilman Clark declared a conflict of interest and recused himself from voting on this agenda item. His sister-in-law, Becky Clark, had applied for a vacancy on the Committee.

Selections by the Council for the three seats:

- ▶ Councilman Adams
Becky Clark, Stephen Hair, and Dawn Hall
- ▶ Councilman Allsop
Becky Clark, Dawn Hall, and Eric Podoll
- ▶ Councilman Hatch
Stephen Hair, Dawn Hall, and Eric Podoll

- ▶ Councilwoman Wilson
Becky Clark, Stephen Hair, and Eric Podoll
- ▶ Vice Mayor Kakavas
Becky Clark, Dawn Hall, and Viola Kinney
- ▶ Mayor Leech
Becky Clark, Stephen Hair, and Eric Podoll

Ms. Hall said one individual received the most votes (Becky Clark), and there was a three-way tie between Stephen Hair, Dawn Hall, and Eric Podoll. The Council was asked to mark their questionnaires for two of the three.

Selections by the Council for the two remaining seats:

- ▶ Councilman Adams
Stephen Hair and Dawn Hall
- ▶ Councilman Allsop
Dawn Hall and Eric Podoll
- ▶ Councilman Hatch
Stephen Hair and Dawn Hall
- ▶ Councilwoman Wilson
Stephen Hair and Eric Podoll
- ▶ Vice Mayor Kakavas
Stephen Hair and Dawn Hall
- ▶ Mayor Leech
Dawn Hall and Eric Podoll

Ms. Hall said the two individuals with the most votes in the second round were Stephen Hair and Dawn Hall. The three individuals who would be appointed to serve on the Parks and Recreation Advisory Committee were Becky Clark, Stephen Hair, and Dawn Hall.

VICE MAYOR KAKAVAS MOVED TO APPOINT BECKY CLARK, STEPHEN HAIR, AND DAWN HALL TO THE SHOW LOW PARKS AND RECREATION ADVISORY COMMITTEE EXPIRING MARCH 2025; SECONDED BY COUNCILWOMAN WILSON; PASSED 6 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ADAMS, ALLSOP, HATCH, AND WILSON VOTING IN FAVOR.

Councilman Allsop thanked Mr. Podoll for his years of service on the Parks and Recreation Advisory Committee.

- B. Consideration of Application Submitted by James Edward Girard on Behalf of White Mountain Base Submarine Veterans for Special Event Liquor License for 2021 Cruz'n the Rim Car Show on June 5 at Frontier Fields. (Rachael Hall)

Ms. Hall said James Edward Girard, representing the White Mountain Base Submarine Veterans, submitted an application for a special event liquor license for the 2021 Cruz'n the Rim car show at Frontier Fields, scheduled for June 5.

Ms. Hall said the license would allow the Submarine Veterans to sell alcohol during the event. There was an existing six-foot chain-link fence surrounding Frontier Fields where the alcohol would be sold and consumed. Two entrance/exit gates would be open for participants to enter and leave the area, which would be manned by White Mountain Submarine Veterans personnel to ensure no alcohol was brought in or could leave the premises. Additional Submarine Veterans would patrol and monitor the entire area to ensure there was no underage consumption.

Ms. Hall said the Show Low Police Department performed a background check on the applicant and found nothing that would preclude approval of this special event liquor license. The application and action taken by the Council would be forwarded to the Department of Liquor Licenses and Control. Unlike regular liquor licenses, the Council's decision was final for such an application.

COUNCILWOMAN WILSON MOVED TO APPROVE THE APPLICATION SUBMITTED BY JAMES EDWARD GIRARD FOR A SPECIAL EVENT LIQUOR LICENSE FOR THE 2021 CRUZ'N THE RIM CAR SHOW ON JUNE 5 AT FRONTIER FIELDS, SHOW LOW, ARIZONA; SECONDED BY COUNCILMAN ALLSOP; PASSED 6 TO 1 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ALLSOP, CLARK, HATCH, AND WILSON VOTING IN FAVOR AND COUNCILMAN ADAMS CASTING THE DISSENTING VOTE.

- C. Consideration of Abandonment of Portion of Tatanka Resort Casitas. (Justen Tregaskes)

Mr. Tregaskes said on February 21, 2006, the City Council approved the final plat for Tatanka Resort Casitas at Bison Ridge, which was subsequently recorded in Navajo County. This development allowed for the construction of nine buildings, each housing eight condominiums, for a total of 72 condominium units. Since that time, two buildings housing a total of 16 condominium units have been constructed. The remaining seven buildings, proposed to house 56 condominium units, were never constructed.

Mr. Tregaskes said at the request of the owner of the unbuilt condominium units, the Council voted to revert to acreage the unbuilt condominium units

at its regular meeting of November 17, 2015. This reversion was rescinded by the Council at its regular meeting of May 16, 2017 due to ownership issues between the owner of the condominium parcels and the homeowner's association relative to the abandonment and "Tract B" of the development. Both parties agreed that the best resolution would be to revert the abandonment back to the original plat. The homeowner's association had since acquired all affected parcels, including the unbuilt condominium spaces and "Tract B" and requested that the unbuilt condominium spaces be abandoned in an effort to reduce taxes on the property.

Mr. Tregaskes said as indicated on the attached Condominium Plat Abandonment, "All easements shown on Tatanka Resort subject property shall remain and are unaffected by this reversion." Any future development of this property would be required to comply with the underlying zoning and resubmittal and approval of preliminary development plans and final plats would be required. No public roadways or utilities would be affected by this request.

Vice Mayor Kakavas asked what type of uses were approved for PUD zoning. Mr. Tregaskes said residential related uses were approved for PUD zoning.

COUNCILMAN CLARK MOVED TO ABANDON A PORTION OF THE CONDOMINIUM PLAT FOR TATANKA RESORT CASITAS AT BISON RIDGE AND REVERT TO ACREAGE PARCEL "A" AS SHOWN ON THE AMENDMENT TO FINAL PLAT TATANKA RESORT CASITAS AT BISON RIDGE, MORE PARTICULARLY DESCRIBED AS A.P. NOS. 309-84-109 THROUGH 136 AND A.P. NOS. 309-84-209 THROUGH 236, AND AUTHORIZE THE MAYOR TO SIGN THE ASSOCIATED DOCUMENTS; SECONDED BY COUNCILMAN ALLSOP; PASSED 7 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, HATCH, AND WILSON VOTING IN FAVOR.

- D. Consideration of Acceptance of Meadow Fence, City of Show Low Project No. FM-0121. (Bill Kopp)

Mr. Kopp said at the October 6, 2020 meeting, the City Council awarded the construction contract to Navapache Equipment for the amount of \$38,483.00 to install a decorative fence at the Show Low Meadow. The fence was constructed with used well pipe rails and rock basket posts. City staff procured the materials for the fence and a public bid was advertised for the installation. During construction, Arizona Public Service informed staff that gates would be required for access to two large switching cabinets located adjacent to the fence. The cost for the gates

was \$3,000.00. The installation had been completed and the contractor submitted a single request for payment for the entire contract amount of \$41,483.00 which included the \$3,000.00 change order. The total cost of the fence was approximately \$40,000.00 lower than the budget amount.

Mr. Kopp said staff recommended accepting the construction of the Meadow Fence Project, releasing the single final payment and approving the change order for a total amount of \$41,483.00

Councilman Allsop thanked Navapache Equipment for their work on the fence in the Meadow.

COUNCILMAN ALLSOP MOVED TO ACCEPT THE CONSTRUCTION OF THE MEADOW FENCE PROJECT, RELEASING THE SINGLE FINAL PAYMENT AND APPROVE THE \$3,000.00 CHANGE ORDER FOR A TOTAL AMOUNT OF \$41,483.00; SECONDED BY VICE MAYOR KAKAVAS.

Councilman Clark thanked City staff for their efforts on this project.

MOTION PASSED 7 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, HATCH, AND WILSON VOTING IN FAVOR.

- E. Consideration of Agreement to Purchase Irrigation Shares from the Menhennet Family. (Ed Muder/Morgan Brown)

Mr. Brown said recently, City staff was approached by Mark Menhennet, General Partner and Trustee for the Menhennet family, about purchasing 73.5 water shares in the Show Low-Woodland Irrigation Company that his family owned. The Menhennet family owned land around Walmart and Lowes and had no need for the shares. Mark Menhennet agreed on a price of \$65,000.00 for the 73.5 shares. This came out to be about \$884.35 per share. The City could start using the shares after May 1, 2021 and would pay the Menhennet family by July 10, 2021. The City agreed to pay any current assessment that was due from the Irrigation Company.

Mr. Brown said City staff recommended purchasing the water shares from the Menhennet Family.

Councilman Allsop asked for clarification on the importance of purchasing water shares. Mr. Brown said the City's current water shares were not sufficient to irrigate the Meadow and by purchasing these water shares it would help irrigate the Meadow and other future projects.

VICE MAYOR KAKAVAS MOVED TO APPROVE THE AGREEMENT TO PURCHASE 73.5 IRRIGATION SHARES IN THE SHOW LOW/PINETOP-WOODLAND IRRIGATION COMPANY FOR \$65,000.00 FROM THE MENHENNET FAMILY; SECONDED BY MAYOR LEECH; PASSED 7 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, HATCH, AND WILSON VOTING IN FAVOR.

9. **SUMMARY OF CURRENT EVENTS:**

A. Council Members

Councilman Adams thanked the Council and City staff for their efforts in preparing the Adams Cabin for the ribbon cutting event last weekend.

Vice Mayor Kakavas thanked Mayor Leech for attending the Show Low Little League Opening Ceremonies last weekend.

Councilman Allsop attended a Meals on Wheels meeting. He encouraged citizens to volunteer at the Senior Center. He also attended Jack Carlisle's funeral last weekend and gave his condolences to the Carlisle family.

B. Mayor

Mayor Leech attended the Show Low Little League Opening Ceremonies and Adams Cabin ribbon cutting event last Saturday.

Mayor Leech said the eighth annual BBQ Throwdown was scheduled for May 1, located at Frontier Fields with live music and games for the family. There would also be a KidsQ, where children could prepare and cook pork chops for prizes. On April 30, there would be a Steak Throwdown event, a Steak Cookoff Association-sanctioned competition with cash prizes for the winners.

C. City Manager

Mr. Muder said the City's annual MLK Day of Service, when volunteers work on a community project, was this Saturday. This year, due to COVID-19, assignments would be made for smaller groups to work on projects for the community.

Mr. Muder said the City's next free excess trash collection service was scheduled for the week of May 3 through 6. This service, available to all City of Show Low refuse customers, was provided by Waste Management on regularly scheduled collection days during the first full week of odd-

numbered months. Items must be bagged, boxed, or bundled and weigh less than 50 pounds and placed next to your polycart by 6:00 a.m. on regular trash collection day. Large items such as refrigerators, freezers, and mattresses would be accepted through this collection method.

Mr. Muder said the City's 23rd annual Project Clean Sweep would kick off in mid-May. Show Low residents could dump green waste for free for two weeks at Dirty Deeds Green Waste from May 10 through May 15, and again from May 17 through May 22. Other services through Project Clean Sweep would take place beginning in June. A flyer with more information would be distributed with the next utility billing.

Mr. Muder said in public works projects the City's contractor would begin construction on the 11th Avenue waterline replacement from Owens (near the aquatic center) going north to West McNeil next week, and should be completed in 60 days. Arizona Department of Transportation awarded the Deuce of Clubs and White Mountain Road mill and overlay projects to Sunland Asphalt last Friday and would set up a preconstruction meeting soon to review the project schedule and start date. ADOT would hold public meetings for this project this Wednesday and Thursday. Details on joining the meetings could be found on azdot.gov/ShowLow. He thanked citizens for their patience as the City made important improvements to infrastructure.

10. **SCHEDULING OF MEETINGS:**

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

None.

COUNCILMAN HATCH MOVED TO RECESS INTO EXECUTIVE SESSION TO DISCUSS SHOW LOW SOUTH LAND EXCHANGE AND REVIEW THE EXECUTIVE SESSION MINUTES OF FEBRUARY 26, 2021; SECONDED BY COUNCILMAN ADAMS; PASSED 7 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, HATCH, AND WILSON VOTING IN FAVOR

The Show Low City Council recessed in Executive Session at 7:48 p.m.

11. **EXECUTIVE SESSION.**

A. Confidentiality Statement.

B. Discussion or consultation for legal advice with the attorney or attorneys of the public body or with designated representatives of the public body in

order to consider its position and instruct its representatives pursuant to A.R.S. Sections 38-431.03(A)(3) and 38-431.03(A)(4).

(1) Show Low South Land Exchange

C. Discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law. Pursuant to A.R.S. Section 38-431.03(A)(2).

(1) Executive Session Minutes of February 26, 2021.

12. **POST EXECUTIVE SESSION.**

Consideration of any item on the Executive Session portion of this agenda, which the Council may wish to take action upon in Open Session.

The Show Low City Council reconvened into Open Session at 8:19 p.m.

A. Consideration of Approval of the Minutes of the Executive Session of the Show Low City Council Held on February 26, 2021.

COUNCILMAN ALLSOP MOVED TO APPROVE THE EXECUTIVE SESSION MINUTES OF FEBRUARY 26, 2021 EXECUTIVE SESSION; SECONDED BY COUNCILMAN HATCH; PASSED 7 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, HATCH, AND WILSON VOTING IN FAVOR.

13. **ADJOURNMENT.**

There being no further business to be brought before the Council, **MAYOR LEECH ADJOURNED THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL OF APRIL 20, 2021 AT 8:20 P.M.**

ATTEST:

APPROVED:

Rachael Hall, City Clerk

John Leech, Jr., Mayor

T:\docs\cc042021

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 April 20, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 20____.

(SEAL)

Rachael Hall, City Clerk