

**MINUTES OF THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL HELD ON TUESDAY, NOVEMBER 16, 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, Councilman Adams, Councilman Allsop, Councilman Clark, Councilman Hatch (left at 7:29 p.m.) and Councilwoman Wilson.

**COUNCIL MEMBERS ABSENT:** Vice Mayor Kakavas.

**STAFF MEMBERS PRESENT:** Ed Muder, City Manager; Morgan Brown, City Attorney; Justin Johnson, Deputy City Manager; Jeff McNeil, Police Commander; Bill Kopp, Public Works Director; Justen Tregaskes, Planning and Zoning Director; Jay Brimhall, Community Services Director; Grace Payne; Communications Manager; Nicole Hudson, Deputy City Clerk; and Rachael Hall, City Clerk.

**GUESTS:** Aaron Leach, Rachel Hatch, Daniel and Lacey Rawlings, Jeanie Amato, Curt Fernau, Ryan Ellsworth, Becky Clark, Hal Frost, Jerry and Mauriah Walker, Doug Roberts, Julie Clark, and others .

3. Invocation.

Councilman Hatch gave the invocation.

4. Pledge of Allegiance.

The Show Low High School Show Biz Choir sang the national anthem in lieu of 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.

Aaron Leach, 121 North 9th Street, invited citizens to the Magic on the Mountain synchronized Christmas light show that honored the nation's heroes. The light show would be each night beginning November 26 through January 1, 2022, next to City Hall.

Ryan Ellsworth, 1301 East Whipple, informed the Council about a house that was being built by many community members for Justin Sherman. Mr. Sherman had been fighting stage four cancer and then received information from his doctors that the cancer treatments would stop and he would be placed in hospice. Mr. Ellsworth said his cousin Ethan Ellsworth had started the project to build the Sherman family a house and since Ethan's passing Ryan would take the project on. Mr. Ellsworth commended many community members and businesses for help constructing the house whether hands on or through donations and said the house should be completed by the first of December.

6. **SPECIAL EVENTS:**

A. Presentation by Show Low High School Show Biz Choir.

Cynthia Whipple and the Show Biz Choir students, announced the 37th annual Feast of Carols on December 1 through 4 at Whipple Ranch Elementary School. Tickets were on sale starting today. The choir students would perform five shows, including dessert only on Wednesday night and full six-course meals on Thursday, Friday, and Saturday nights.

The choir students performed "Angels We Have Heard on High" for the Council and audience.

7. **CONSENT CALENDAR:**

A. Proclamation by the Mayor Proclaiming November 2021 as **Show Low Junior High 8th Grade Football League Championship Month** in the City of Show Low.

B. Consideration of Acceptance of Grant Funds from Emergency Connectivity Fund and Authorization of Associated Budget Transfers. (Lisa Lewis)

C. Consideration of Purchase of Traffic Enforcement Vehicle. (Brad Provost)

D. Consideration of Minutes of Show Low City Council meetings:  
(1) Regular Meeting of November 2, 2021.

**COUNCILMAN ALLSOP MOVED TO APPROVE THE CONSENT CALENDAR AS PRESENTED; SECONDED BY COUNCILWOMAN WILSON; PASSED 6 TO 0 WITH MAYOR LEECH AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, HATCH, AND WILSON VOTING IN FAVOR.**

Ms. Hall read the proclamation for the Show Low Junior High 8th Grade Football League Championship month.

The Council congratulated the Show Low Junior High 8th Grade Football players.

8. **NEW BUSINESS:**

- A. **PUBLIC HEARING** – Ordinance No. 2021-07 Amending the Zoning Conditions of Ordinance No. 2019-03 on A.P. No. 210-04-031 through A.P. No. 210-04-051. (Justen Tregaskes)

Mr. Tregaskes said at their regular meeting of November 9, 2021, the Planning and Zoning Commission held a public hearing to discuss an application made by Ryan Ellsworth of Paradise Acres L.L.C. requesting to amend condition seven of Ordinance No. 2016-03 and 2019-03 to extend the timeline for removal of all manufactured homes on the subject property for an additional five years. The original timeframe for removal of the manufactured homes was based on a commitment made by Mr. Ellsworth during the Planning and Zoning Commission meeting of October 25, 2016 and was added to the conditions of approval. Following this Public Hearing, the Commission voted 6 to 0 (Commissioner Lewis was absent) to approve the request and forward this approval to the Council. Included in this recommendation was a two-year extension of the timeframe to have all single-family homes along the west property boundary removed within two years, with additional extensions being granted by the Council with notification to neighboring property owners and the requirement that the specified fence along the south and west property lines shall be completed no later than July 1, 2022.

Mr. Tregaskes said at their regular meeting of November 1, 2016, the Show Low City Council approved Ordinance No. 2016-03 to re-zone the subject property from MH (manufactured housing) and R1-7 (single-family residential, seven thousand square feet) to R2-7 (single-family and multiple-family residential, seven thousand square feet) to allow the construction of 58 apartment units on the Paradise Trailer Park property. This ordinance became effective on December 1, 2016, which meant that the timeline for removal of the remaining manufactured homes would expire on December 1, 2021. This ordinance was amended by the City

Council at their regular meeting of February 19, 2019, to replace the solid wall requirement along the east side of the subject property and North 4th Avenue with split rail fencing and vegetative screening. All other zoning conditions were unchanged.

Mr. Tregaskes said this item had been scheduled for a public hearing. Following this public hearing the Council could adopt Ordinance 2021-07 subject to conditions of approval recommended by the Planning and Zoning Commission. The Council could also choose to either modify these conditions or deny the application.

Mayor Leech opened the matter for a public hearing. There being no input, he closed the public hearing.

Mayor Leech asked Mr. Tregaskes to read the Planning and Zoning Commission's recommendation to the Council. Mr. Tregaskes said one substantial change and recommendation from the Commission was concerning condition no. 7 and the Commission recommended re-wording the condition to state "All manufactured homes/mobile homes and similar dwelling units located on the west property boundary shall be removed within two years from the date of approval of this zone change. Any additional extensions to this timeframe will require City Council approval, with notice provided to the neighbors." Mr. Tregaskes said condition no. 9 was also amended and read as "Painted or stained solid masonry or concrete fencing shall be required around the perimeter of project with vegetative screening consisting of a minimum of five bushes and four trees per building substituting for the required wall on the east side of the subject property along North 4th Avenue. The required solid masonry or concrete fencing along the west and south property lines shall be installed by July 1, 2022."

Councilman Allsop asked if the applicant accepted condition no. 9. Mr. Tregaskes said yes, the applicant accepted condition no. 9 and that was part of his application.

Councilwoman Wilson asked what the concerns were from neighbors. Mr. Tregaskes said some concerns were regarding the length of time on the extension requested by the applicant to remove the manufactured/mobile homes. At first, the applicant asked for a five-year extension to remove the homes but staff and the Commission's recommendation was two years with possible additional extensions.

Mayor Leech said he would prefer the manufactured/mobile homes be removed within the two years. Mr. Ellsworth said he preferred to have the homes removed already but he was trying to help the residents living in

the homes. He said most of those residents were unable to find different locations for their manufactured/mobile homes during this time and affordable housing was scarce within the City for these residents. He said he would remove the manufactured/mobile homes when the Council told him to.

- B. Consideration of Ordinance No. 2021-07 Amending the Zoning Conditions of Ordinance No. 2019-03 on A.P. No. 210-04-031 through A.P. No. 210-04-051. (Justen Tregaskes)

By unanimous consent, Ms. Hall read Ordinance No. 2021-07 by title only.

*“AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SHOW LOW, ARIZONA, AMENDING THE ZONING CONDITIONS OF ORDINANCE NO. 2019-03 ON A.P. NOS. 210-04-031 THROUGH 210-04-051”.*

**COUNCILMAN CLARK MOVED TO ADOPT ORDINANCE NO. 2021-07; SECONDED BY COUNCILMAN ADAMS; PASSED 5 TO 0 WITH MAYOR LEECH AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, AND WILSON VOTING IN FAVOR.**

- C. Consideration of Ordinance No. 2021-06 Amending Title 13, *Environment*, of the Show Low City Code by Adding Chapter 13.15, *Tree Care*. (Jay Brimhall)

Mr. Brimhall said the City of Show Low had participated in the Tree City USA program for over 20 years. The Tree City USA program was managed by Arizona Department of Forestry and Fire Management. This program helped the City track tree-related expenses and improvements inside rights-of-way, City parks, and City owned property.

Mr. Brimhall said earlier this year, the Tree City USA program manager asked all cities in Arizona to update and organize tree-related ordinances into a more uniform format. The City’s continued participation in the program was contingent on the adoption of this new ordinance. The Arizona Department of Forestry and Fire Management sent all cities a standardized set of ordinance language to facilitate the process.

Mr. Brimhall said this ordinance addressed the composition of the City of Show Low’s Tree Board, defined terms, and clarified other administrative tree care-related duties and responsibilities on city-owned property and rights-of-way.

By unanimous consent, Ms. Hall read Ordinance No. 2021-06 by title only.

*“AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SHOW LOW, ARIZONA, AMENDING TITLE 13, ENVIRONMENT, OF THE SHOW LOW CITY CODE BY ADDING CHAPTER 13.15, TREE CARE”.*

**COUNCILMAN ADAMS MOVED TO ADOPT ORDINANCE NO. 2021-06; SECONDED BY COUNCILWOMAN WILSON; PASSED 5 TO 0 WITH MAYOR LEECH AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, AND WILSON VOTING IN FAVOR.**

- D. Consideration of Resolution No. R2021-33 Rescinding Resolution No. R2005-43 and Adopting an Investment Policy for the City of Show Low. (Justin Johnson)

Mr. Johnson said at its August 2, 2005, meeting, the City Council adopted Resolution R2005-43 adopting an investment policy and authorizing the City Manager or designee to make investment decisions on behalf of the City. Staff recently completed a review of the investment policy. At the October 2021 retreat staff discussed bringing a revised investment policy to the Council for adoption.

Mr. Johnson said currently, the City of Show Low had capital reserves that it did not use daily. These reserves were invested in the State of Arizona Local Government Investment Pool (LGIP). This pool of money was administered by the State Treasurer’s Office along with cash from other cities in Arizona.

Mr. Johnson said the proposed investment policy authorized staff to pursue alternative investment options in an attempt to obtain a higher yield. It was conservative and listed the state approved types of securities the investment officer could purchase on the City’s behalf. Additionally, the policy listed maturity guidelines the investment officer must follow when purchasing securities. The policy also set standards for where certain securities must be deposited for safekeeping while the City owned them.

Mr. Johnson said staff recommended adopting resolution No. R2021-33.

Councilman Allsop asked about current returns on the City’s investment. Mr. Johnson said the City’s invested funds in the LGIP had average returns near 0.5%.

**MAYOR LEECH MOVED TO ADOPT RESOLUTION NO. R2021-33 RESCINDING RESOLUTION NO. R2005-43 AND ADOPTING AN**

**INVESTMENT POLICY FOR THE CITY OF SHOW LOW; SECONDED BY COUNCILMAN CLARK; PASSED 5 TO 0 WITH MAYOR LEECH AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, AND WILSON VOTING IN FAVOR.**

- E. Consideration of Award of Construction Contract for Show Low Public Restrooms, City of Show Low Project No. PR-0722B. (Bill Kopp)

Mr. Kopp said the City's fiscal year 2022 Capital Improvements Program budget included funding for constructing two public restrooms. One was located at Show Low Lake campground. This restroom building would have separate men's and women's restrooms and would replace a vaulted toilet. The other would replace the restroom located at Show Low City Park just south of the Show Low Little League parking lot. The City Park restroom would have two men's stalls, two women's stalls, and one family single stall. All stalls would comply with Americans with Disabilities Act requirements.

Mr. Kopp said staff solicited proposals from builders to construct the building. The request for proposals included sketches for a concrete masonry unit building with a standing-seam metal roof similar to other restrooms at City parks.

Mr. Kopp said the final plans for the City Park restroom would be provided by the selected contractor. The Show Low Lake restroom would be constructed from previous restroom project plans. The contractor would also be responsible for obtaining a no-cost permit for the project. City personnel would extend water, sewer, and power utilities to the building location.

Mr. Kopp said the project was publicly advertised, and two proposals were received. Since these were proposals and not hard bids, other factors besides costs were considered, including value to the City and adherence to the preliminary drawings. The total proposed costs were as follows:

<u>Contractor</u>	<u>Total Bid</u>
LD&B LLC	\$177,229.29
AW Contracting Corporation	\$298,366.00

Mr. Kopp said staff recommended awarding the construction contract for the Show Low Public Restrooms, City of Show Low Project No. FM-0722B, to LD&B LLC in an amount not to exceed \$177,229.29 and authorizing the associated budget transfers.

Jeannie Amato, Hacienda Way, had concerns regarding building new facilities versus reconstructing the existing buildings. Mr. Kopp said the facilities were unsanitary, not structurally sound to remodel, and had exceeded their service life.

Ms. Amato asked how the City received bids on the project. Mr. Kopp said the City publicly advertised for bids with specifications for the project and any contractor could submit a bid.

**COUNCILMAN ALLSOP MOVED TO AWARD THE CONSTRUCTION CONTRACT FOR SHOW LOW PUBLIC RESTROOMS, CITY OF SHOW LOW PROJECT NO. FM-0722B, TO LD&B LLC IN AN AMOUNT NOT TO EXCEED \$177,229.29 AND AUTHORIZE THE ASSOCIATED BUDGET TRANSFERS; SECONDED BY MAYOR LEECH; PASSED 5 TO 0 WITH MAYOR LEECH AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, AND WILSON VOTING IN FAVOR.**

- F. Consideration of Award of Professional Services Contract for Jaques Dam Spillway Study. (Bill Kopp)

Mr. Kopp said at its June 15, 2021, meeting, the City Council accepted a grant award from the Federal Emergency Management Agency (FEMA) and the Arizona Department of Water Resources (ADWR) to secure a federal grant for a study to determine the scope for upgrades to the spillway at Jaques Dam at Show Low Lake. The grant would fund updating the hydrologic model, analysis and alternatives study for the spillway, and a Floodplain Management Plan. The grant amount was \$126,600.00 and was 100% funded by ADWR and FEMA.

Mr. Kopp said staff also received a scope of services and fee proposal from JE Fuller Hydrology & Geomorphology, Inc. JE Fuller was selected as the consultant on this project because they were considered a leading consulting firm specializing in this type of work. They were also based in Arizona and were experts in the local hydrology.

Mr. Kopp said the study would include determining up-to-date hydrology and Probable Maximum Flood (PMF) data using current ADWR Standards, analyzing the spillway using the PMF to determine its capacity, providing design concept alternatives to rehabilitate the spillway, and developing a Floodplain Management Plan.

Mr. Kopp said staff recommended awarding the professional services contract for the Jaques Dam Spillway Study to JE Fuller Hydrology & Geomorphology, Inc, in an amount not to exceed \$126,600.00.



Councilwoman Wilson said the City applied for many grants to help fund projects within the City and asked if this grant would fully fund this project. Mr. Kopp said yes, the grant would fully fund this project.

Councilman Allsop asked about the issues concerning the current state of the spillway. Mr. Kopp said the dam was designed in the 1950's under the criteria during that time and the criteria had since changed. He said the study would give staff more information of what was needed for the dam.

**COUNCILMAN CLARK MOVED TO AWARD THE PROFESSIONAL SERVICES CONTRACT FOR THE JAQUES DAM SPILLWAY STUDY TO JE FULLER HYDROLOGY & GEOMORPHOLOGY, INC, IN AN AMOUNT NOT TO EXCEED \$126,600.00; SECONDED BY COUNCILMAN ADAMS; PASSED 5 TO 0 WITH MAYOR LEECH AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, AND WILSON VOTING IN FAVOR.**

9. **SUMMARY OF CURRENT EVENTS:**

A. Council Members

Councilman Wilson said she attended the celebration of life and legacy service in honor of fallen Show Low Police Officer Darrin Reed.

Councilman Allsop said the Show Low Senior Center and Meals on Wheels would serve a free Thanksgiving lunch on November 23, reservations were required. He said there would be to-go meals available as well.

B. Mayor

None.

C. City Manager

Mr. Muder said the Show Low Family Aquatic Center would be closed for three weeks for annual maintenance beginning November 25 and would reopen for business on December 20.

Mr. Muder said the recreation department was accepting youth basketball registrations for 1st through 6th graders until December 26. Registration would be accepted after the deadline if space permitted and a late fee would apply.

Mr. Muder said the recreation department was hosting Frosty's Flannel 5K run for the whole family on December 4 at the Show Low City Park Old Pavilion. Pre-registration was required.

Mr. Muder said also on December 4, the Show Low Shines Christmas Parade would be held along the Deuce of Clubs. This year's theme was "Rockin' Around the Christmas Tree."

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 City offices would be closed next week November 25 and 26 for the Thanksgiving holiday. He wished the citizens a happy Thanksgiving holiday.

10. **SCHEDULING OF MEETINGS:**

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

None.

**COUNCILMAN ALLSOP MOVED TO RECESS INTO EXECUTIVE SESSION TO DISCUSS THE GROUND LEASE AND SHOW LOW REGIONAL AIRPORT AND REVIEW THE EXECUTIVE SESSION MINUTES OF OCTOBER 5; SECONDED BY COUNCILMAN CLARK; PASSED 5 TO 0 WITH MAYOR LEECH AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, AND WILSON VOTING IN FAVOR.**

11. **EXECUTIVE SESSION.**

A. Confidentiality Statement.

B. Discussion or consultation with the attorney or attorneys of the public body for legal advice or to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation. Pursuant to A.R.S. Sections 38-431.03(A)(3) and 38-431.03(A)(7).

(1) Ground Lease at Show Low Regional Airport.

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 October 5, 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.

A. Consideration of Approval of the Minutes of the Executive Session of the Show Low City Council Held on October 5, 2021.

**COUNCILMAN CLARK MOVED TO APPROVE THE EXECUTIVE SESSION MINUTES OF OCTOBER 5, 2021; SECONDED BY COUNCILWOMAN WILSON; PASSED 5 TO 0 WITH MAYOR LEECH AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, 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 NOVEMBER 16, 2021, AT 8:20 P.M.**

ATTEST:

APPROVED:

\_\_\_\_\_  
Rachael Hall, City Clerk

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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 16, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

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

(SEAL)

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Rachael Hall, City Clerk