

MINUTES OF THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL HELD ON TUESDAY, JANUARY 3, 2023, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA

1. Call to Order.

2.

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

3. Roll Call.

COUNCIL MEMBERS PRESENT: Vice Mayor Kakavas, Councilman Allsop, Councilman Clark, Councilman Hatch, and Councilman Judd.

COUNCIL MEMBERS ABSENT: Mayor Leech and Councilman Adams.

STAFF MEMBERS PRESENT: Ed Muder, City Manager; Justin Johnson, Deputy City Manager; Brad Provost, Police Chief; Director; Justen Tregaskes, Planning and Zoning Director; Shane Hemesath, City Engineer; Kathy Clements, Assistant City Clerk; and Rachael Hall, City Clerk.

GUESTS: Vicky Solomon, Tate Ash, William Lewis, and others.

4. Invocation.

Councilman Judd gave the invocation.

5. Pledge of Allegiance.

Councilman Hatch 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.

William Lewis, 1451 West McNeil, said he would like to see a community center with activities for the youth, especially during the winter months.

6. **SPECIAL EVENTS:**

A. Presentation by Nexus Coalition for Drug Prevention.

Vicky Solomon, Executive Director of the Nexus Coalition for Drug Prevention, said they were a community alliance working toward a healthy, substance-free environment for youth. The two primary goals were to; 1) reduce substance abuse among youth and 2) establish and strengthen collaboration among community organizations.

Ms. Solomon said the organization offered evidence-based education programs such as Mpowrd, 2BMpowrd, Avoid Vaping, and Botvin Life Skills programs.

Ms. Solomon said they also offered a Drug Diversion program to schools providing classes on the harmful effects of drugs and alcohol as an alternative to school suspension.

Ms. Solomon said the Junior Leadership Academy was a summertime program for kids. The program always received positive feedback.

Ms. Solomon said their organization was part of the Substance Abuse Collation Leaders of Arizona coalition (SACLA). Through this group, they provided educational toolkits for Fentanyl, Naloxone, and Methamphetamine to aid communities in preventing and reversing overdoses.

Ms. Solomon said free adversity training was offered on the third Thursday of every month. On February 6, Darren and Stacy Gagnon would offer a special two-part trauma training course.

7. **CONSENT CALENDAR:**

A. Proclamation by the Mayor Proclaiming January 16, 2023, as **MARTIN LUTHER KING, JR. DAY OF SERVICE** in the City of Show Low.

B. Consideration of Acceptance of Amendment to Grant Funds from Governor's Office of Highway Safety and Authorization of Associated Budget Transfers. (Brad Provost)

C. Consideration of Award of Purchase of Fleet Vehicles and Authorization of Associated Budget Transfers. (Justin Johnson)

- D. Consideration of Acceptance of Wayne Barry Lift Station Removal, City of Show Low Project No. S-1722. (Shane Hemesath)
- E. Consideration of Minutes of Show Low City Council meetings:
 - (1) Special Meeting of December 6, 2022.
 - (2) Regular Meeting of December 6, 2022.
 - (3) Special Meeting of December 14, 2022.

COUNCILMAN ALLSOP MOVED TO APPROVE THE CONSENT CALENDAR AS PRESENTED; SECONDED BY COUNCILMAN CLARK; PASSED 5 TO 0, WITH VICE MAYOR KAKAVAS AND COUNCIL MEMBERS ALLSOP, CLARK, HATCH, AND JUDD VOTING IN FAVOR.

8. **NEW BUSINESS:**

- A. **PUBLIC HEARING** – Ordinance No. 2023-01 Amending the Zoning Ordinance of the City, Amending the Zoning on the property described as A.P.N. 210-16-128G from the current C-2 (General Commercial) zoning conditions to allow for all uses as outlined in the C-2 zoning district, including multi-family uses. (Justen Tregaskes)

Mr. Tregaskes said at its regular meeting on July 1, 2003, that the Show Low City Council approved Ordinance No. 2003-09 (conditions attached) for a zone change request submitted by Kaibab Industries for a master planned commercial project. This development was to include a movie theater, several retail shops, and a restaurant. A.P.N. 210-16-128G was shown on this plan as a proposed parking lot.

Mr. Tregaskes said condition number two of Ordinance No. 2003-09 stated, “All future development and density associated therewith shall be submitted in substantial conformance with the Site Plan presented at the open house on June 3, 2003.” Based on this condition, any development of the subject property other than a parking lot required a zoning amendment.

Mr. Tregaskes said Tate Ash submitted a zone change request to amend the current zoning conditions of Ordinance No. 2003-09 to remove condition two on the subject property to allow for all uses as outlined in the C-2 zoning district, including multi-family uses. The applicant held a neighborhood meeting on October 3, 2022. Neighbors expressed concerns regarding traffic, the location of City utility lines, private easement access to the properties to the north/west of the subject property, drainage/irrigation, and the location/type of fencing. Following a public hearing at their meeting on December 13, 2022, the Planning and Zoning Commission voted 7-0 to approve the submitted request and

forwarded this recommendation to the City Council subject to specified conditions.

Mr. Tregaskes said that prior to Ordinance 2003-09, the subject property was zoned C-1 (Neighborhood Commercial), which was the original zoning for this parcel. The applicant proposed building a two-story, eight-unit multi-family dwelling on the subject property. Multi-family dwellings of up to ten units were a permitted use in the C-2 zone, subject to the requirements of the R2-7 (Single-Family and Multiple-Family Residential, 7,000 Square Feet) zone. Multi-family dwellings over ten units were a conditional use in the C-2 zone, provided they met the standards of the R2-7 zone. The applicant indicated that the standard C-2 zoning district uses were possible should apartments not be constructed. Construction plans, including drainage and detention plans, were required prior to any development.

Mr. Tregaskes read the conditions of approval aloud.

1. All development shall comply with all applicable federal, state, and local requirements including building code and fire codes.
2. Prior to the commencement of any development on the subject property, engineering improvements, drainage, and grading plans shall be submitted to the City for review and approval.
3. Development of multi-family uses shall comply with the R2-7 (Single-Family and Multiple-Family Residential, 7,000 Square Feet) zoning district standards, including fencing requirements from adjacent properties. A six-foot solid material fence shall be installed for apartment use along the south and west property lines and shall not be placed over any public or private easements.
4. No buildings or structures shall be built over any City water or sewer mains, and an easement shall be dedicated to the City for these utilities.

Mr. Tregaskes presented slides showing the subject property parcel detail, aerial maps, the masterplan referenced in Ordinance No. 2003-09, conceptual images of buildings, and a proposed lot layout. Mr. Tregaskes stated that the images of buildings and the proposed lot layout were only concepts. Engineering and formal studies have yet to be completed. Mr. Tregaskes stressed that no permits would be issued until those studies had been done.

Vice Mayor Kakavas opened the matter for a public hearing.

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

- B. Consideration of Ordinance No. 2023-01 Amending the Zoning Ordinance of the City, Amending the Zoning on the property described as A.P.N. 210-16-128G from the current C-2 (General Commercial) zoning conditions to allow for all uses as outlined in the C-2 zoning district, including multi-family uses. (Justen Tregaskes)

Councilman Allsop asked if there were any City water or sewer mains where structures would be built. Mr. Tregaskes said there were some utilities but nothing that the proposed building footprint should impact.

Councilman Allsop asked regarding the ingress and egress. Mr. Tregaskes said they were proposing only one single driveway, but Mr. Tate still needed to submit the final plans for review and approval.

Vice Mayor Kakavas asked if the conceptual plans presented met current prescribed requirements under the Ordinance. Mr. Tregaskes said, on the surface, yes, but engineering plans had not been submitted; staff would know more once plans were submitted.

Councilman Allsop asked what concerns were raised at the public meetings regarding the parking lot. Mr. Tregaskes said there had been two meetings, and the concerns raised were not about parking lot versus development but more about the development in general, such as drainage, easements, utilities, and access.

Councilman Clark asked if the property across the street required stipulations as it did not develop as rendered. Mr. Tregaskes said no, as the density remained the same for the developed buildings.

By unanimous consent, Ms. Hall read Ordinance No. 2023-01 by title only since all Council members had a copy.

“AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SHOW LOW, ARIZONA, AMENDING THE ZONING ORDINANCE OF THE CITY, TITLE 19, AMENDING THE ZONING ON PROPERTY LOCATED IN THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 22 EAST OF THE GILA AND SALT RIVER MERIDIAN, NAVAJO COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS A.P. NO. 210-16-128G TO ALLOW FOR ALL USES AS OUTLINED IN THE C-2 (GENERAL COMMERCIAL) ZONING DISTRICT, INCLUDING MULTI-FAMILY USES.”

VICE MAYOR KARAVAS MOVED TO ADOPT ORDINANCE NO. 2023-01 AMENDING THE ZONING ORDINANCE OF THE CITY, TITLE 19, AMENDING THE ZONING ON PROPERTY DESCRIBED AS A.P. NO. 210-16-128G TO ALLOW FOR ALL USES AS OUTLINED IN THE C-2 (GENERAL COMMERCIAL) ZONING DISTRICT, INCLUDING MULTI-FAMILY USES. SECONDED BY COUNCILMAN CLARK; PASSED 5 TO 0 WITH VICE MAYOR KAKAVAS AND COUNCIL MEMBERS ALLSOP, CLARK, HATCH, AND JUDD VOTING IN FAVOR.

- C. Consideration of Acceptance of McNeil Acres and 11th Street Sewer Replacement, City of Show Low Project No. S-1122. (Shane Hemesath)

Mr. Hemesath said at its regular meeting on April 5, 2022, the Show Low City Council awarded a construction contract to Apache Underground and Excavating in an amount not to exceed \$1,504,125 for the McNeil Acres and 11th Street sewer replacement project. The scope of the work included installing approximately 8,000 linear feet of new eight-inch PVC sewer line, 29 new concrete manholes, new sewer services, and replacing the existing asphalt removed.

Mr. Hemesath said the McNeil Acres subdivision was one of the older subdivisions in the City. During construction, additional unknown sewer taps were discovered that required connection to the new sewer main and some required grade adjustments. Due to the extremely poor condition of the asphalt in the subdivision, the existing asphalt broke apart and raveled near the trench lines while the new sewer main was installed. As a result, large asphalt patches needed replacing. The City's current budget included funding for the reconstruction of the McNeil Acres subdivision. However, this work was not scheduled to be done until the summer of 2023. The larger asphalt patches were installed to ensure the roadways would hold together through the winter and be ready for reconstruction next year. These changes resulted in an additional asphalt patch cost of \$86,992.13, bringing the final project cost to \$1,591,117.13

Mr. Hemesath said staff recommended accepting the McNeil Acres and 11th Street Sewer Replacement, City of Show Low Project No. S-1122, authorizing associated budget transfers, approving the \$86,992.13 change order for a final cost of \$1,591,117.13, releasing the retainage, and initiating the two-year warranty period.

Councilman Allsop asked what was involved in the asphalt patch. Mr. Hemesath explained that most of the sewer mains were installed down the middle of the road, so to access the sewer, the City had to cut the asphalt, aiming for a four-foot total cut and repair. However, due to the failing

asphalt, these cuts widened and meandered, requiring extensive asphalt repairs.

Vice Mayor Kakavas asked for clarification on the transfer of funds regarding the 2023 budget. Mr. Hemesath said the patchwork was coming from general improvements for both streets and sewer; this project required more street work to put the roads back together for winter. The larger overlay project remains in the budget for next summer. These large projects take two years as sewer and paving could not be completed in one year.

COUNCILMAN CLARK MOVED TO APPROVE THE ACCEPTANCE OF THE MCNEIL ACRES AND 11TH STREET SEWER REPLACEMENT, CITY OF SHOW LOW PROJECT NO. S-1122, AUTHORIZE ASSOCIATED BUDGET TRANSFERS, APPROVE THE \$86,992.13 CHANGE ORDER FOR A FINAL COST OF \$1,591,117.13, RELEASE THE RETAINAGE AND INITIATE THE TWO-YEAR WARRANTY PERIOD; SECONDED BY COUNCILMAN HATCH; PASSED 5 TO 0 WITH VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ALLSOP, CLARK, HATCH, AND JUDD VOTING IN FAVOR.

9. **SUMMARY OF CURRENT EVENTS:**

A. Council Members

Councilman Allsop said everyone had a great time at the New Year's Eve Deuce of Clubs Drop and thanked the staff for their hard work putting this event together.

Vice Mayor Kakavas expressed her appreciation to the staff for everything they do and wished everyone a Happy New Year.

B. Mayor

None.

C. City Manager

Mr. Muder said staff had begun preparing the City's annual budget for the fiscal year 2024. In addition to a budget study session with the City Council on, January 17, the City was hosting a town hall budget meeting specifically for citizen input on January 19. All budget meetings would be held in Council Chambers and open to the public. A complete listing of meeting dates was on the website at showlowaz.gov.

Mr. Muder said anyone who wants to recycle a Christmas tree has until, January 8 to drop it off at the Frontier Park parking lot on 9th Place. All lights and decorations must first be removed. The trees will be taken to NOVO Power in Snowflake for biomass fuel.

Mr. Muder said the sidewalks had been poured on the East Huning improvement project. The contractor hoped to pave the south side once the snow melts. The City's contractor started work on the water main installation for the East Owens waterline improvements and anticipated doing the water services in three months once brass fittings were acquired. The Arizona Department of Transportation continued to work on the Show Low Lake intersection as weather permits. Mr. Muder thanked the citizens for their patience as these important projects were completed.

Mr. Muder also thanked the citizens for their patience as crews dealt with snow removal and icy conditions. City employees, especially those in public works and public safety, continued to work diligently and around the clock to ensure everyone's safety, and he thanked them for their efforts.

10. **SCHEDULING OF MEETINGS:**

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

Mr. Muder said there would be a budget study session in Council Chambers on January 17, at 6:00 p.m. and a budget town hall for citizen input on January 19, at 6:00 p.m.

11. **ADJOURNMENT.**

There being no further business to be brought before the Council, **VICE-MAYOR KAKAVAS ADJOURNED THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL OF JANUARY 3, 2023 AT 7:42 P.M.**

ATTEST:

APPROVED:

Rachael Hall, 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 January 3, 2023. 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