

MINUTES OF THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL HELD ON TUESDAY, FEBRUARY 19, 2019 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 Crittenden, 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, Administrative Services Director; Justen Tregaskes, Planning and Zoning Director; Bill Kopp, Public Works Director; Joe Shelley, Police Chief; Tamra Reidhead, Deputy City Clerk; and Ann Kurasaki, City Clerk.

GUESTS: Mark Vest, Betsyann Wilson, Ed Wilson, Ryan Ellsworth, Neil Traver, Chris Kozakiewicz, Blaine Wilcock, Sandra Kozakiewicz, Laura Singleton, Sarah Sturdy, Boy and Cub Scout Troop 7733, and others.

3. Invocation.

Mayor Seymore gave the invocation.

4. Pledge of Allegiance.

Boy and Cub Scout Troop 7733 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 Northland Pioneer College's Background, Services Offered, and Future Construction Projects.

Betsyann Wilson, Executive Director of Northland Pioneer College (NPC) Friends and Family, said NPC was a regionally-accredited, publicly-supported, comprehensive community college serving Navajo County. NPC was fully accredited by the Higher Learning Commission. The governing body was the Navajo County Community College District. NPC had the nation's second-largest community college service area, with 21,158 square miles. The Navajo, Hopi, and White Mountain Apache Indian Reservations occupied more than 67 percent of the total land in the college's service area.

Ms. Wilson said NPC served more than 7,000 students annually and had an open admissions policy. She said they had several programs that allowed high school students to take courses for both high school and college credits. Studies confirmed that high school students who earned seven or more credits with dual or concurrent enrollment were significantly more likely to complete a college degree. NPC was a great choice because of the quality of education, instruction, and value.

Mark Vest, NPC President, said NPC had a master facility plan from the 1980s, which was updated in the early 2000s after the economic crash, to reflect the new reality. The last construction bond was issued in early 2000, and the district governing board had made a commitment that any further development would be built with cash that had been saved. NPC had received no capital funding from the state over the last 15 years and had been setting aside money during that period for future projects.

Mr. Vest explained the construction projects planned for the Show Low campus included moving the workforce development programs from the industrial park to the main campus. Over the next three to four years, a skills center would be built to house the automotive program and welding shop. The medical and nursing facilities and programs would be expanded to accommodate more students, housed in a two-story, 20,000 square-foot leaning center. The current learning center would be refurbished and converted to a nursing and allied health building. The board had approved the capital for the project, which would be paid out of existing tax reserves.

7. **CONSENT CALENDAR:**

- A. Consideration of Noncommercial Ground Lease with Brock and Sharon Taras. (Thomas Bahr)
- B. Consideration of Minutes of Show Low City Council meetings:
 - (1) Study Session of February 5, 2019.
 - (2) Regular Meeting of February 5, 2019.

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

8. **NEW BUSINESS:**

- A. **PUBLIC HEARING** – Ordinance No. 2019-03 Amending the Zoning Conditions of Ordinance No. 2016-03 on A.P. No. 210-04-031 through A.P. No. 210-04-051 (Ryan Ellsworth). (Justen Tregaskes)

Mr. Tregaskes said at its regular meeting of February 12, 2019, the Planning and Zoning Commission voted 5 to 0 (Commissioners Adams and Robertson were absent) to recommend approval of the zone amendment request submitted by Ryan Ellsworth of Paradise Acres L.L.C. Mr. Ellsworth wished to amend condition no. 9 of Ordinance No. 2016-03 adopted on November 1, 2016. This condition stated, "Painted or stained solid masonry or concrete fencing shall be required around the perimeter of the project." The applicant wanted to substitute vegetative screening in place of the required wall along North 4th Avenue.

Mr. Tregaskes said as stated at the Planning and Zoning Commission meeting, the applicant was requesting that the existing zoning conditions be amended to remove the solid wall requirement on the east side of the subject property along North 4th Avenue due to required drainage improvements on the subject property. These drainage improvements were determined to be necessary as part of the required drainage report for constructing the apartment buildings and conflict with the required wall.

Mr. Tregaskes said this drainage report was completed following approval of Ordinance No. 2016-03. All other zoning conditions were proposed to remain unchanged.

Mr. Tregaskes said staff scheduled the public hearing and possible adoption of Ordinance No. 2019-03 for February 19, 2019. The Ordinance would become effective 30 days thereafter.

Mr. Tregaskes said the proposed amendment would apply to condition no. 9 only. He read the recommended amended condition aloud.

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.

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

- B. Consideration of Ordinance No. 2019-03 Amending the Zoning Conditions of Ordinance No. 2016-03 on A.P. No. 210-04-031 through A.P. No. 210-04-051 (Ryan Ellsworth). (Justen Tregaskes)

Vice Mayor Allsop asked where the retention pond was located. Mr. Tregaskes said it was located between buildings 2 and 3 and also between building 2 and 4th Avenue.

Vice Mayor Allsop asked about the drainage issue on the north side of the property. Mr. Tregaskes said as part of required improvements, a ditch was installed on the property along 4th Avenue for buildings 3 and 4 to carry drainage to the retention pond. Vice Mayor Allsop asked if there were any drainage improvements along Old Linden Road on the north side of the property. Mr. Tregaskes said no, not at this point. It would be part of a future phase.

Councilman Crittenden asked if there were any concerns about the proposed trees interfering with the overhead powerlines. Mr. Tregaskes said staff had discussed this concern with the applicant who had agreed to work with City staff to determine the type of tree that would be best for the location with a moderate growth rate.

Councilwoman Kakavas asked if the masonry wall would be required only on the other three sides of the property. Mr. Tregaskes said the proposed condition regarding vegetative screening would only apply to North 4th Avenue. The applicant already started the wall on the south side of project adjacent to the building under construction. The wall along the west side would remain unchanged. There was a small portion along Old Linden Road that would be required to be in compliance with the condition of approval for the perimeter of the project. From staff's perspective, it could possibly be replaced with something similar to what was being

proposed on North 4th Avenue, but that decision would be made by the Council at a future meeting.

Vice Mayor Allsop asked what the main reason was for changing the wall requirement. Mr. Tregaskes said the reason was because the drainage study had not been completed at the time the zoning was approved by the Council. Once the drainage study was completed, they recognized the potential conflict between the drainage improvements and the wall.

Vice Mayor Allsop said he preferred something that would deter people from walking through the area as a short-cut.

Mayor Seymore said he would like to see a split-rail fence in addition to the vegetative screening to help define the project. He felt adding a wall along North 4th Avenue would detract from the project and not really serve a purpose. Landscaping and a split-rail fence would help deter people from walking through and would be aesthetically pleasing.

Ryan Ellsworth, the applicant, said he was originally against the idea of curbing, gutter, and sidewalks along North 4th Avenue, but he had agreed to it when the City agreed to do the engineering. The compromise had worked out very well. The initial plan was to add the wall to hide everything, but as the drainage report was done, they could see there would be potential conflict between the drainage improvements and the wall. He added he was not opposed to adding a split-rail fence along with the bushes and trees.

Mayor Seymore asked if he would also commit to maintaining the landscaping. Mr. Ellsworth said yes, that would not be a problem.

By unanimous consent, Ms. Kurasaki read Ordinance No. 2019-03 by title only.

“AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SHOW LOW, ARIZONA, AMENDING THE ZONING CONDITIONS OF ORDINANCE NO. 2016-03 ON A.P. NOS. 210-04-031 THROUGH 210-04-051”

COUNCILMAN CRITTENDEN MOVED TO ADOPT ORDINANCE NO. 2019-03 WITH CONDITION NO. 9 TO INCLUDE SPLIT-RAIL (DECORATIVE) FENCING WITH MAINTENANCE TO BE PROVIDED BY THE OWNERS; SECONDED BY COUNCILMAN HATCH; PASSED 7 TO 0 WITH MAYOR SEYMORE, VICE MAYOR ALLSOP, AND COUNCIL MEMBERS CRITTENDEN, HATCH, KAKAVAS, KELLY AND LEECH VOTING IN FAVOR.

- C. Consideration of Application Submitted by Ryan Paul Hatzenbiler for Temporary Extension of Premises/Patio Permit for Rumors Lounge at 1457 East Deuce of Clubs. (Ann Kurasaki)

Ms. Kurasaki said Ryan Paul Hatzenbiler, on behalf of Rumors Lounge at 1457 East Deuce of Clubs, submitted an application for a temporary Extension of Premises/Patio Permit from June 13 through 17, 2019. Rumors Lounge currently held a #6, Bar, liquor license.

Ms. Kurasaki said Rumors was seeking a permit to expand its premises to host a Sons of Odin Motorcycle Club's Father's Day rally by temporarily fencing an area on the bar's south side to accommodate this multiday event. The area would be enclosed with six-foot high chain-link portable fencing. A swing gate would be added and monitored for emergency access only.

Ms. Kurasaki said the fencing and gate would be erected on Thursday, June 13, to prepare for the rally, which ran from Friday through Sunday. The bar would be open on Thursday from 3:00 p.m. to closing at 2:00 a.m. and from 10:00 a.m. to closing (2:00 a.m.) on Friday, Saturday, and Sunday. Four security personnel would patrol the premises during the stated times to ensure no alcohol entered or left the premises. Monday, June 17, was reserved for teardown.

Ms. Kurasaki said the police department reviewed the application, performed a background check on Mr. Hatzenbiler, and found nothing to preclude approving the liquor license.

Mr. Kurasaki said Rumors' manager Sarah Sturdy was available for questions.

MAYOR SEYMORE MOVED TO RECOMMEND APPROVAL TO THE STATE LIQUOR BOARD OF THE APPLICATION SUBMITTED BY RYAN PAUL HATZENBILER, ON BEHALF OF RUMORS LOUNGE, FOR A TEMPORARY EXTENSION OF A PREMISES/PATIO PERMIT, WITH THE ADDED STIPULATION THAT THE SHOW LOW POLICE DEPARTMENT HAD THE AUTHORITY TO CEASE OPERATIONS SHOULD ANY PROBLEMS OCCUR; SECONDED BY VICE MAYOR ALLSOP; PASSED 7 TO 0 WITH MAYOR SEYMORE, VICE MAYOR ALLSOP, AND COUNCIL MEMBERS CRITTENDEN, HATCH, KAKAVAS, KELLY AND LEECH VOTING IN FAVOR.

- D. Consideration of Increase in Construction Costs for Runway 06/24 Rehabilitation Project at Show Low Regional Airport. (Thomas Bahr)

Mr. Bahr said on June 5, 2018, the City Council authorized the Mayor to sign the grant to fund the runway 06/24 rehabilitation project in an amount not to exceed \$2,036,955.35. Soon after construction began, the contractor encountered unforeseen conditions. The underlying pavement was extensively delaminated, i.e., separated into layers, causing an uneven surface after milling. Multiple days were spent to plan and engineer the best solution for continuing the project. Initially, it appeared that milling another layer off would resolve the issue, but the same results occurred. To provide an even and level paving surface, it was determined a leveling course would be laid prior to paving the final layer.

Mr. Bahr said the unforeseen conditions required more planning, materials, and construction resulting in an additional amount of \$150,878.09 for the project. Federal Aviation Administration staff agreed to the additional amount and approved the new plans and construction. The City's share for this increase was \$7,544. With this first increase, the cost to the City was \$58,468. The City's original budgeted amount for the project was \$93,125.

Mr. Bahr said the construction contractor, FNF Construction, also saw increased costs due to delays because of the delamination issue and requested additional compensation for their accrued costs. Staff was working on this additional increase of approximately \$91,000 and would bring this back to the Council at a future date. The City's share for this increase cost would be approximately \$4,550, which would still be within the budgeted amount.

Mr. Bahr said staff recommended the Council approve Contract Change Order No. 1 in an amount not to exceed \$150,878.09 for additional construction costs for the runway 06/24 rehabilitation project at the Show Low Regional Airport, with the City's cost share not to exceed \$7,544.

Mayor Seymore asked if the reason he wasn't presenting the change order for the \$91,000 increase to FNF was because the FAA had not given approval. Mr. Bahr said the details had not been worked out completely with FNF, so the amount had not been presented yet to the FAA for approval.

VICE MAYOR ALLSOP MOVED TO AUTHORIZE AN INCREASE IN THE CONSTRUCTION COSTS FOR THE RUNWAY 06/24 REHABILITATION PROJECT AT THE SHOW LOW REGIONAL AIRPORT FROM \$2,036,955.35 TO \$2,187,833.44; SECONDED BY COUNCILMAN HATCH.

Councilman Kelley said citizens might like to know that 95% of this project was paid by the federal government to make sure the runway was safe. Without government involvement, it would be cost-prohibitive for the City to do this project.

MOTION PASSED 7 TO 0 WITH MAYOR SEYMORE, VICE MAYOR ALLSOP, AND COUNCIL MEMBERS CRITTENDEN, HATCH, KAKAVAS, KELLY AND LEECH VOTING IN FAVOR.

9. **SUMMARY OF CURRENT EVENTS:**

A. Council Members

Vice Mayor Allsop thanked employees who had worked evenings and mornings to move snow and keep the streets clean. He said Meals on Wheels was still in need of drivers to deliver meals. The Senior Center had planned several fundraisers this year including four craft shows and a music festival. He also attended a Show Low Main Street board meeting where they discussed upcoming projects.

B. Mayor

Mayor Seymore reminded citizens not to park their cars on city streets during the upcoming storm to allow crews to clear the streets of snow.

Mayor Seymore said he attended a Show Low School District meeting where they discussed ongoing building projects. He learned that most of the district schools' ratings had increased and were closer to earning the "A" rating.

Mayor Seymore said he met with Senator Martha McSally along with mayors from Pinetop-Lakeside and Winslow. They shared concerns about the local area and projects for which the federal government could be of assistance.

Mayor Seymore recognized city clerk Ann Kurasaki, who would be retiring from the City after 21 years of service. He thanked her for her leadership and dedication, and wished her the best in her retirement.

C. City Manager

Mr. Muder thanked Show Low's residents for their patience as City crews dealt with icy conditions and snow on Monday. Another large storm was expected to arrive with a large amount of snowfall on Thursday and into Friday. All City roadways must be clear of vehicles during active snow

plowing operations. Any vehicle parked on a city street that was not moved off the street by the time the plows begin operating could be cited and towed at the owner's expense. Snow plowing equipment operated 24 hours a day, if needed, and parked vehicles made it impossible to plow the entire roadway.

Mr. Muder said in recreation opportunities, registration was open for the upcoming Spring Play Days on March 11 through 14 for boys and girls ages 5 through 12. Pre-registration was required by March 1. Registrations were being accepted for spring one-pitch coed softball with play beginning on March 4.

Mr. Muder said because of the anticipated snowstorm on Thursday, the forum for parents and adults hosted by the Show Low School District called "Surviving the Active Lethal Threat Event: What Every Parent Needs to Know" had been rescheduled from February 21 to March 21. The forum would be held at the Show Low School District Auditorium.

Mr. Muder said the City was accepting applications until 5 p.m. Friday, March 1, from citizens interested in serving on a city committee. Vacancies were available on the Planning and Zoning Commission, Board of Adjustment, Parks and Recreation Advisory Committee and Aviation Advisory Committee. All terms were four years, expiring March 2023. Eligibility for membership included being a Show Low resident, with the exception of the Aviation Advisory Committee. Applications were available at Show Low City Hall or online at www.showlowaz.gov.

10. **SCHEDULING OF MEETINGS:**

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

Mr. Muder said a special meeting would need to be scheduled for the Council to interview applicants for the committee vacancies. He said in the past the Council had not always interviewed the incumbents, but it was their decision. He said he was unsure at this time how many applications would be received. He anticipated the Council making the appointments at its March 19 meeting and he asked if the Council members were available on March 5 or 12 to conduct the interviews. Mayor Seymore said he and Vice Mayor Allsop would be out of town on March 12. Councilman Leech said he also would be unavailable on March 12. After a brief discussion, the interviews were tentatively scheduled for March 5 prior to the regular meeting.

13. **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 FEBRUARY 19, 2019 AT 8:03 P.M.**

ATTEST:

APPROVED:

Ann Kurasaki, City Clerk

Daryl Seymore, 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 February 19, 2019. 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