

MINUTES OF THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL HELD ON TUESDAY, SEPTEMBER 3, 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 Hatch, Councilman Crittenden, Councilman Leech, and Councilman Kelley.

COUNCIL MEMBERS ABSENT: Councilwoman Kakavas.

STAFF MEMBERS PRESENT: Ed Muder, City Manager; F. Morgan Brown, City Attorney; Justin Johnson, Administrative Services Director; Bill Kopp, Public Works Director; Justen Tregaskes, Planning and Zoning Director; Shane Hemesath, City Engineer; Lisa Robertson, Grants/Transit Manager; Joe Shelley, Police Chief; Rachael Hall, Assistant City Clerk; and Tamra Reidhead, City Clerk.

GUESTS: Kyle Thomas, Rick and Kim Fernau, and others.

3. Invocation.

Vice Mayor Allsop gave the invocation.

4. 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 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.

Rick Fernau, 1331 West Meadow View Place, commended and thanked public works staff for their efforts and work on the Frontier Fields and the additional parking lot.

6. **CONSENT CALENDAR:**

- A. Proclamation by the Mayor Proclaiming September 11 through 14, 2019 as **NAVAJO COUNTY FAIR DAYS** in the City of Show Low.
- B. Consideration of Acceptance of Grant Funds from Arizona Department of Environmental Quality for Asbestos and Lead-Based Paint Survey at 700 East McNeil Street. (Lisa Robertson)
- C. Consideration of Minutes of Show Low City Council meetings:
 - (1) Special Meeting of August 19, 2019.

COUNCILMAN LEECH MOVED TO APPROVE THE CONSENT CALENDAR AS PRESENTED; SECONDED BY COUNCILMAN CRITTENDEN; PASSED 6 TO 0 WITH MAYOR SEYMORE, VICE MAYOR ALLSOP, AND COUNCIL MEMBERS CRITTENDEN, HATCH, KELLY, AND LEECH VOTING IN FAVOR.

7. **NEW BUSINESS:**

- A. **PUBLIC HEARING** – Ordinance No. 2019-06 Amending Ordinance No. 2019-04, Amending the Zoning Ordinance of the City, Amending the Zoning Map, and Amending the Zoning on Property Known as A.P. No. 210-31-020K from C-2 (General Commercial) to R1-15 (Single-family Residential, Manufactured Homes Excluded, 15,000 square feet) (Bill Haltom). (Justen Tregaskes)

Mr. Tregaskes said at its February 26, 2019 meeting, the Planning and Zoning Commission voted 6 to 1 (Commissioner Hudson opposed) to recommend approval of the zone change request submitted by Bill Haltom of Creative Development LLC. Mr. Haltom requested to rezone a portion of A.P. No. 210-31-020K from C-2 (general commercial) to R1-15 (single-family residential, manufactured homes excluded, 15,000 square feet) to allow for construction of a single-family residence.

Mr. Tregaskes said two individuals addressed the Commissioners during the public hearing at the February 26, 2019, Planning and Zoning Commission meeting with concerns related to public notification, lot size, density, traffic, and the status of the uncompleted commercial cabin.

Mr. Tregaskes said at its March 5, 2019 meeting, the City Council approved Mr. Haltom's zone change request. As stipulated by the

applicant, the exterior of the commercial building currently under construction on A.P. No. 210-31-020K was to be completed within 90 days from the effective date of Ordinance No. 2019-04. This condition had not been met.

Mr. Tregaskes said building permit no. 17230 was issued on October 3, 2017, to allow for constructing a single rental cabin. The applicant had proposed 18 two-story short-term rental cabins consisting of two units per building for a total of 36 units on the subject property. Unit sizes ranged from approximately 500 square feet for lower-level units to approximately 400 square feet for upper-level units. A kitchen was not indicated on the approved building plans.

Mr. Tregaskes said as part of the zone change request, the applicant indicated that the scale of the approved commercial project would be reduced by changing two of the proposed buildings from two story to one story and eliminating three of the proposed buildings to construct a single-family residential home on the southwest side of the property. These changes reduced the total number of buildings from 18 to 15 and the total number of units from 36 to 28.

Mr. Tregaskes said the minimum lot size in the R1-15 zone was 15,000 square feet. The residential lot size proposed by the applicant was approximately 15,400 square feet. The adjacent property southwest of the subject property was zoned R1-15. Along Meadow View Place, lots range from a minimum size of 16,117 square feet to a maximum of 87,991 square feet.

Mr. Tregaskes said based on non-compliance with condition no. 6 (the stipulated time frame for completion of the outside of the building) of Ordinance No. 2019-04, staff initiated the zoning reversion process. Letters were sent to all properties within 300 feet of the subject property, as well as the members of the public who spoke at the March 5, 2019, Council meeting, inviting them to a neighborhood meeting on July 18, 2019, to discuss the reversion of this portion of the subject property from residential (R1-15) back to commercial (C-2). Two people attended the meeting with general questions regarding the process. Following the neighborhood meeting, public hearings were scheduled for both the Planning and Zoning Commission and the City Council, with the property being posted and letters sent to all property owners within 300 feet of the subject property, as well as the owner of the subject property. During the Commission hearing of August 27, 2019, two area property representatives addressed the Commission. One had questions related to fencing requirements between commercial and residential property. The other owner spoke in favor of retaining the residential zoning based on a lesser impact on the existing residential neighborhood. Following the

public hearing, the commission voted 7 to 0 to recommend to the Council that Ordinance No. 2019-04 remain in effect, with conditions no. 1 through 5 remaining as conditions of approval and condition no. 6 being removed.

Mr. Tregaskes read the conditions aloud.

1. All development shall comply with all federal, state and local requirements, including building permit requirements.
2. The minimum lot size for the residence shall be 15,000 square feet.
3. As shown on the proposed site plan, there shall be a minimum 20-foot setback along the south side of the subject property.
4. The lot shall be split prior to the issuance of a building permit for a residence.
5. Minimum dwelling size, exclusive of patios, porches, and garages, shall be 2,500 square feet.

Mr. Tregaskes said staff had scheduled the public hearing and possible adoption of Ordinance No. 2019-06 for September 3, 2019. The ordinance, if approved, would become effective 30 days thereafter.

Councilman Crittenden asked what would be required to complete the current unit under construction. Mr. Tregaskes said that as long as there was activity on the project, the building permit would stay active for six months between inspections. The building official met with the project engineer a few weeks ago at the site for an inspection. Therefore, the permit was valid for another 180 days per the adopted standard building code. The City's policy had been to work with property owners to make sure the projects were completed. However, the Council could direct cancelling the building permit if the property owner had not met the required timeline to keep the permit valid.

Councilman Leech asked why the Commission requested to remove condition no. 6. Mr. Tregaskes said if the zoning was changed back to commercial (C-2), residents were concerned about traffic and a commercial building built too close to current residences.

Vice Mayor Allsop said the Council should have something in place when conditions were given and approved by the applicant and were not met, then there should be consequences. He had received calls from constituents about the unfinished project and why it had not been completed yet. Mr. Tregaskes said staff had received the same type of

calls and continued efforts to work with the property owner to complete the project.

Councilman Crittenden asked the reason why the property owner was not in attendance at the meeting. Mr. Tregaskes said the property owner felt that since the zone change had been initiated by the City that he would not be required to attend.

Discussion continued about conditions that could be placed on the property owner. Mr. Brown said this was a permitted use and stipulations were not allowed. The only reason the 90-day condition was allowed was because the property owner self-imposed the condition.

Mayor Seymore opened the matter for public hearing.

Rick Fernau, 1331 East Meadow View Place, suggested requiring a performance bond in visual corridors to give an incentive to finish the project. He preferred the property stay as a residential zone to minimize traffic, to have less commercial buildings being built, and have more of a buffer area between the residences and the commercial buildings.

Kim Fernau, 1331 East Meadow View Place, said there would be no advantage to reverting the property back to commercial for the neighborhood. She preferred to keep the zoning as residential.

Kyle Thomas, 1200 East Meadow View Place, initially opposed the rezoning that went to Council in March, but he preferred the zoning remain as a residential to continue the neighborhood atmosphere. He had seen very minimal work done in the last two years since the permit was issued and had concerns with the progress of the project.

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

Mayor Seymore asked what type of fencing material would be required. Mr. Tregaskes said that when there was a commercial project next to a residential area, a solid material fence would need to be installed at a minimum height of six feet. A solid material would be block, wood, or vinyl fence.

- B. Consideration of Ordinance No. 2019-06 Amending Ordinance No. 2019-04, Amending the Zoning Ordinance of the City, Amending the Zoning Map, and Amending the Zoning on Property Known as A.P. No. 210-31-020K from C-2 (General Commercial) to R1-15 (Single-family Residential, Manufactured Homes Excluded, 15,000 square feet) (Bill Haltom). (Justen Tregaskes)

By unanimous consent, Ms. Reidhead read Ordinance No. 2019-06 by title only.

“AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SHOW LOW, ARIZONA, AMENDING ORDINANCE NO. 2019-04, AMENDING THE ZONING ORDINANCE OF THE CITY, AMENDING THE ZONING MAP, CHANGING THE ZONING ON PROPERTY LOCATED IN SECTION 29, TOWNSHIP 10 NORTH, RANGE 22 EAST OF THE GILA AND SALT RIVER MERIDIAN, NAVAJO COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS A PORTION OF A.P. NO. 210-31-020K FROM C-2 (GENERAL COMMERCIAL) TO R1-15 (SINGLE-FAMILY RESIDENTIAL, MANUFACTURED HOMES EXCLUDED, 15,000 SQUARE FEET)”

MAYOR SEYMORE MOVED TO ADOPT ORDINANCE NO. 2019-06; SECONDED BY COUNCILMAN KELLEY.

Vice Mayor asked if a yes vote meant the property would remain as a residential zoning. Mayor Seymore said a yes vote would keep the property as residential zoning.

Councilman Kelley asked why the Council needed to vote on the property zoning a second time. Mr. Brown explained that all the conditions were not met on the previous zone change and that it was required to come back to Council to vote on reverting the property back to a commercial zoning or keep it as residential with omitting condition no. 6.

PASSED 5 TO 1 WITH MAYOR SEYMORE, VICE MAYOR ALLSOP, AND COUNCIL MEMBERS CRITTENDEN, KELLY, AND LEECH VOTING IN FAVOR AND COUNCIL MEMBER HATCH CASTING THE DISSENTING VOTE.

- C. Consideration of Award of Construction Contract for East McNeil and South Central Sidewalk Improvement Project, City of Show Low Project No. R-1818. (Shane Hemesath)

Mr. Hemesath said the City's fiscal year 2020 capital improvements program budget included \$110,055 for a sidewalk connectivity project labeled "Sidewalk South Central" and an additional \$81,000 for a sidewalk connectivity project labeled "Sidewalk McNeil Central to Pomeroy's." The scope of work included installing curb, gutter, five-foot sidewalk, ADA ramps, driveways, and required drainage facilities along South Central and East McNeil. The proposed improvements were located along the north side of East McNeil from Central Avenue to Pomeroy's Auto Body and along west side of Central Avenue from McNeil to Owens.

Mr. Hemesath said the project was designed by City engineering staff and was grouped together in an effort to reduce redundant costs and increase economy of scale. The project had a construction estimate of \$228,000. The project was publicly bid according to statutory requirements with the following results:

<u>Contractor</u>	<u>Total Bid</u>
McCauley Construction	\$239,071.25
PAP, LLC	\$297,130.00
Standard Construction Company Inc.	\$575,451.00

Mr. Hemesath said staff had identified bid savings from the Sierra Vista subdivision roadway reconstruction project to help fund the overage amount to award the project.

Mr. Hemesath said staff recommended awarding the construction contract for the East McNeil and South Central sidewalk improvement project, City of Show Low Project No. R-1818, to McCauley Construction in an amount not to exceed \$239,071.25 and approve the associated budget transfers.

Councilman Leech asked if the City was ready for the sidewalk job since the McNeil waterline project was just worked on and if the asphalt had been completed. He was concerned that more paving needed to be completed before starting the sidewalk project and that the City was not ready for the new project. Mr. Hemesath said the waterline on McNeil was completed. There were areas that were not paved in anticipation of the sidewalk project, and that the paving would be completed after the sidewalk project was finished.

Mayor Seymore asked if the five-foot sidewalk was the normal width for sidewalks constructed throughout the City. Mr. Hemesath said the sidewalks throughout the City ranged from four to six feet in width, but staff would like to have five-foot sidewalks to match the current sidewalk down Central Avenue to the Pine Haven subdivision.

Discussions continued about the exact location where the new sidewalk would be constructed, the special challenges for the project, and depth of the concrete to be poured for commercial driveways.

COUNCILMAN LEECH MOVED TO AWARD THE CONSTRUCTION CONTRACT FOR THE EAST MCNEIL AND SOUTH CENTRAL SIDEWALK IMPROVEMENT PROJECT, CITY OF SHOW LOW PROJECT NO. R-1818, TO MCCAULEY CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$239,071.25 AND APPROVE THE ASSOCIATED BUDGET TRANSFERS; SECONDED BY VICE MAYOR ALLSOP; PASSED 7 TO 0 WITH MAYOR SEYMORE, VICE MAYOR

ALLSOP, AND COUNCIL MEMBERS CRITTENDEN, HATCH, KELLY, AND LEECH VOTING IN FAVOR.

- D. Consideration of Acceptance of East McNeil Waterline Replacement, City of Show Low Project No. W-0119. (Shane Hemesath)

This item was pulled from agenda.

8. **SUMMARY OF CURRENT EVENTS:**

- A. Council Members

Vice Mayor Allsop said he received many compliments about the success of the Battle of Bands and Vans event last. He attended the League of Arizona Cities and Towns annual conference last week.

Councilman Crittenden said the Show Low Chamber of Commerce monthly breakfast would be held tomorrow morning, at Solterra Senior Living.

Councilman Leech said he spoke with the Adams' family and they were excited about the future move of the family's historic cabin.

- B. Mayor

No report.

- C. City Manager

Mr. Muder said the recreation department had planned a combined event for September 7 at City Park that included Music in the Park and a celebration of the end of the Community 100-Mile Challenge. There would be live music, free kids' activities, and craft and food vendors.

Mr. Muder said the third annual Guns and Hoses softball game with the Show Low Police Department against the Timber Mesa Fire and Medical District would be September 11 at the Senior Field at City Park. Admission was free, with raffle tickets available for purchase for a chance to win the 50/50 raffle and other prizes. All proceeds would benefit the Darrin Reed Foundation, a charity that supported local law enforcement.

Mr. Muder said in public works projects, the Sierra Vista subdivision roadway reconstruction project was scheduled to begin next Monday. Work to begin moving the Adams family cabin to city hall property would also begin on September 9. He thanked Show Low's citizens for their patience as crews worked on important projects around the City.

9. **SCHEDULING OF MEETINGS:**

Mr. Muder said the annual Student Government Day would be on Tuesday, September 17, the day of the next regular City Council meeting. Students from the Show Low High School Student Council would participate with staff’s morning meeting, job shadow with various city departments, and join in with the Council during the Council meeting that evening.

10. **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 SEPTEMBER 3, 2019 AT 7:52 P.M.**

ATTEST:

APPROVED:

Tamra Reidhead, 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 September 3, 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