

**MINUTES OF THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL
HELD ON TUESDAY, NOVEMBER 19, 2024, AT 7:00 PM 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 Clark, Councilman Judd, and Councilman Whipple.

COUNCIL MEMBERS ABSENT: Councilman Hatch.

STAFF MEMBERS PRESENT: F. Morgan Brown, City Manager; Anna Atencio, City Attorney; Justin Johnson, Deputy City Manager; Brad Provost, Police Chief; Jay Brimhall, Community Services Director; Justen Tregaskes, Planning and Zoning Director; Shane Hemesath, City Engineer; Steve North, Economic Development Director; and Rachael Hall, City Clerk.

GUESTS: Gary Martinson and others.

3. Invocation.

Councilman Adams 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.

None.

6. **SPECIAL EVENTS:**

A. Presentation by Show Low High School Show Biz Choir

Cynthia Whipple and the Show Biz Choir students announced the 40th annual Feast of Carols on December 5 through December 7 at Whipple Ranch Elementary School. Tickets were on sale and could be purchased at the Show Low School District Auditorium.

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

7. **CONSENT CALENDAR:**

- A. Consideration of Acceptance of Old Linden Road Reconstruction, City of Show Low Project No. R-0825 (Shane Hemesath)
- B. Consideration of Approval of Second Amended Final Plat for Silver City at Buffalo Bill's (Justen Tregaskes)
- C. Consideration of Minutes of Show Low City Council meetings:
 - 1. Regular Meeting of November 5, 2024
 - 2. Council Retreat of October 23, 2024

COUNCILMAN ADAMS MOVED TO APPROVE THE CONSENT CALENDAR AS PRESENTED; SECONDED BY COUNCILMAN JUDD; PASSED 6 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, COUNCILMAN ADAMS, COUNCILMAN CLARK, COUNCILMAN JUDD, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

8. **NEW BUSINESS:**

- A. Consideration of Award of Construction Contract for Sunken Manhole Repair Project 2024, City of Show Low Project No. S-3025, and Authorization of Associated Budget Transfers (Shane Hemesath)

Mr. Hemesath said the City currently required that new wastewater manholes were backfilled with a type 2 slurry backfill similar to low-strength concrete. The slurry material was poured into the excavated area around the manhole, dried, and provided a strong base for future asphalt replacement. This requirement removed the difficult task of compacting backfill material next to the curved surface of the manhole. Manholes installed prior to 2008 may have been installed without slurry backfill and likely with aggregate base compacted along the side of the manhole. If the aggregate base material was not compacted correctly, the roadway could begin to settle around the outside of the manhole. The steel cover of the manhole could stick out of the settled hole

creating an unsafe condition for the traveling public and snowplows.

Mr. Hemesath said the scope of this project was to excavate eight feet deep around the settled manhole, replace it with slurry backfill, reset the steel ring and cover, install a concrete collar, and replace any asphalt removed. Ten manholes had been identified for this project at various locations throughout the City. The City had also identified nine additional manholes that have deteriorating steel rings and covers that would need to be replaced.

Mr. Hemesath said the project was designed by engineering staff with a construction estimate of \$140,000.00. The project was publicly bid in accordance with statutory requirements with the following results:

<u>Contractor</u>	<u>Base Bid</u>
Apache Underground and Excavating	\$ 108,300.00

Mr. Hemesath said the pre-bid meeting was attended by three different contractors; however the City received only one bid. Staff verified the pricing, and it was in line with past costs for similar work, actually slightly lower than last year's numbers. Project budget savings from the Savage Sewer Replacement Phase 1 project would be utilized to fund the improvements.

Mr. Hemesath said staff recommended awarding the construction contract for the Sunken Manhole Repair Project 2024, City of Show Low Project No. S- 3025, to Apache Underground and Excavating in an amount not to exceed \$108,300.00 and authorize the associated budget transfers.

COUNCILMAN CLARK MOVED TO AWARD THE CONSTRUCTION CONTRACT FOR THE SUNKEN MANHOLE REPAIR PROJECT 2024, CITY OF SHOW LOW PROJECT NO. S-3025, TO APACHE UNDERGROUND AND EXCAVATING IN AN AMOUNT NOT TO EXCEED \$108,300, AND AUTHORIZE THE ASSOCIATED BUDGET TRANSFERS; SECONDED BY COUNCILMAN WHIPPLE; PASSED 6 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, COUNCILMAN ADAMS, COUNCILMAN CLARK, COUNCILMAN JUDD, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

B. Consideration of Award of Professional Services Contract for Business Planning Services for Show Low Business Incubator Project (Steve North)

Mr. North said the City of Show Low was awarded a \$275,000 grant from the Economic Development Administration (EDA) in October 2024 to fund planning activities related to the proposed business incubator project in Show Low. Planning activities included the development of a business plan, preliminary architecture, design of a commercial kitchen, building and site assessments of the proposed City Campus site, and an economic impact study. This contract would cover the development of a business plan for the business incubator at a cost not to exceed \$65,000. White Mountain

Economic Development was selected to do this service because they had the unique skill set necessary to do the job and had direct experience developing business plans for business incubators.

Mr. North said staff recommended awarding a professional services contract with White Mountain Economic Development to develop a business plan for the business incubator project at an amount not to exceed \$65,000.

Councilman Clark asked for the timeline on the project and when the business plan would be completed. Mr. North said most things would be completed in 9 to 12 months.

COUNCILMAN CLARK MOVED TO AWARD A PROFESSIONAL SERVICES CONTRACT FOR BUSINESS PLANNING SERVICES FOR THE SHOW LOW BUSINESS INCUBATOR PROJECT TO WHITE MOUNTAIN ECONOMIC DEVELOPMENT; SECONDED BY COUNCILMAN ADAMS; PASSED 6 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, COUNCILMAN ADAMS, COUNCILMAN CLARK, COUNCILMAN JUDD, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

- C. Consideration of Award of Professional Services Contract for Business Planning Services for Design of Commercial Kitchen for Show Low Business Incubator Project (Steve North)

Mr. North said the City of Show Low was awarded a \$275,000 grant from the Economic Development Administration (EDA) in October 2024 to fund planning activities related to the proposed business incubator project in Show Low. Planning activities included the development of a business plan, preliminary architecture, design of a commercial kitchen, building and site assessments of the proposed City Campus site, and an economic impact study. This contract would determine the layout, design and functionality of the commercial kitchen in the business incubator. Local First Arizona was selected to do this service because they had the unique skill set necessary to do the job and had direct experience designing commercial kitchens for business incubators.

Mr. North said staff recommended awarding the professional services contract with Local First Arizona to determine the layout, design and functionality of the commercial kitchen in the business incubator at an amount not to exceed \$75,000.

COUNCILMAN JUDD MOVED TO AWARD A PROFESSIONAL SERVICES CONTRACT FOR BUSINESS PLANNING SERVICES FOR THE DESIGN OF A COMMERCIAL KITCHEN FOR THE SHOW LOW BUSINESS INCUBATOR PROJECT TO LOCAL FIRST ARIZONA; SECONDED BY MAYOR LEECH; PASSED 6 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, COUNCILMAN ADAMS, COUNCILMAN

CLARK, COUNCILMAN JUDD, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

- D. Consideration of Ordinance No. 2024-11, Manufactured Home Age Restrictions, Amending Chapter 18.05.050 of the Show Low City Code and Adopting Resolution No. R2024-33 Declaring as Public Record that Document Titled "Revisions to Chapter 18.05.050, Mobile/Manufactured Homes, of the Show Low City Code" (Justen Tregaskes)

Mr. Tregaskes said at the annual City Council Retreat held October 23, 2024, staff presented information related to the maximum allowed age for manufactured home placements within the City of Show Low and other area jurisdictions. City Code Section 18.05.050, Mobile/manufactured homes, currently reads, "Mobile/manufactured homes proposed for installation shall have affixed thereto a decal certifying that the dwelling unit has been inspected and constructed in accordance with the requirements of the U.S. Department of Housing and Urban Development (HUD) in effect at the date of manufacture wherein such date shall not have been prior to June 15, 1976, or such other succeeding requirements which replace HUD standards." (emphasis added)

Mr. Tregaskes said staff surveyed to determine which ages of manufactured homes were permitted in other area jurisdictions. These ages were as follows:

Snowflake - 7 years
Holbrook - 10 years
Pinetop/Lakeside - 10 years
Apache County - 15 years
Navajo County - 20 years
City of Show Low - 48 years

Mr. Tregaskes said based on this information, and in an effort to be consistent with other local jurisdictions, staff was recommending that section 18.05.050, Mobile/manufactured homes, be amended to institute a ten year rolling date for the age of manufactured homes at the time of installation. This would not affect manufactured homes currently within the City. Park to park relocation regardless of age would remain unchanged from current Code. If adopted, staff would recommend that this ordinance become effective January 1, 2025.

Mayor Leech asked for clarification on the park-to-park relocation. Mr. Tregaskes said this would allow manufactured homes that exceeded the ten-year age limit to move from park-to-park within the City as long as the park allowed the relocation.

TO BY UNANIMOUS CONSENT, MS. HALL READ ORDINANCE NO. 2024- 11 BY TITLE ONLY, AS ALL COUNCIL MEMBERS HAVE A COPY.

COUNCILMAN ADAMS MOVED TO ADOPT ORDINANCE NO. 2024-11, AMENDING CHAPTER 18.05.050, MOBILE/MANUFACTURED HOMES, OF THE SHOW LOW CITY CODE, AND ADOPTING RESOLUTION NO. R2024-33 DECLARING AS A PUBLIC RECORD THAT DOCUMENT TITLED "REVISIONS TO CHAPTER 18.05.050, MOBILE /MANUFACTURED HOMES, OF THE SHOW LOW CITY CODE"; SECONDED BY COUNCILMAN WHIPPLE; PASSED 6 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, COUNCILMAN ADAMS, COUNCILMAN CLARK, COUNCILMAN JUDD, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

- E. Consideration of Ordinance No. 2024-10 Amending Chapter 11.35 of the Show Low City Code by Adding Section 11.35.070 "Smoking Prohibited in City Parks and Public Outdoor Spaces," and Adopting Resolution No. R2024-32 Declaring as Public Record that Document Titled "Revisions to Chapter 11.35, Parks and Recreation, of the Show Low City Code" (Jay Brimhall)

Mr. Brimhall said as directed by City Council, city staff drafted an ordinance to prohibit smoking within all City parks, recreational areas, and public outdoor spaces.

Mr. Brimhall said this ordinance addressed community health, public safety, and environmental quality by prohibiting smoking in all outdoor spaces managed by the City, including trails, playgrounds, sports fields, picnic areas, and parking lots. "Smoking" was broadly defined to include traditional tobacco, e-cigarettes, hookahs, and other vapor-producing products.

Mr. Brimhall said exceptions allowed designated smoking areas and permit-limited zones for private events, in line with city guidelines. Violations would be treated as civil infractions to encourage compliance through penalties. This ordinance aimed to improve public health, reduce litter, mitigate fire risks, and create cleaner, safer public spaces for all.

Mr. Brimhall said staff recommended adopting this ordinance.

Councilman Whipple asked if staff planned to put up new signage for the ordinance to notify the public regarding the ordinance. Mr. Brimhall said yes, staff would install new signage.

BY UNANIMOUS CONSENT, MS. HALL READ ORDINANCE NO. 2024-10 BY TITLE ONLY, AS ALL COUNCIL MEMBERS HAVE A COPY.

COUNCILMAN WHIPPLE MOVED TO ADOPT ORDINANCE NO. 2024-10, BY AMENDING CHAPTER 11.35 OF THE SHOW LOW CITY CODE, BY ADDING SECTION 11.35.070 "SMOKING PROHIBITED IN CITY PARKS AND PUBLIC OUTDOOR SPACES," AND ADOPTING RESOLUTION NO.

R2024-32 DECLARING AS PUBLIC RECORD THAT DOCUMENT TITLED "REVISIONS TO CHAPTER 11.35, PARKS AND RECREATION, OF THE SHOW LOW CITY CODE"; SECONDED BY COUNCILMAN ADAMS; PASSED 6 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, COUNCILMAN ADAMS, COUNCILMAN CLARK, COUNCILMAN JUDD, COUNCILMAN WHIPPLE VOTING IN FAVOR.

F. Consideration of Award of Public Affairs Consulting Services Agreement (Morgan Brown)

Mr. Brown said the City was seeking to effectively and efficiently advocate for its interests at state and federal levels, securing essential resources, funding and legislative support to advance community priorities. Staff sought recommendations for these services and Mike Gardner of POLICY 48 came highly recommended. Mike was from Lakeside and grew up in Holbrook. He served in the Legislature and had already begun to help the City with this Legislative Session.

Mr. Brown said POLICY 48 was able to assist the City with monitoring the Arizona legislature on legislation that impacted the City, strengthen and build relationships to educate the legislature and executive branch about the needs of our rural community, and advocate to defeat any legislation that would have a negative impact on the City. Two key projects involving the State of Arizona had been identified for POLICY 48, the East Woolford Road Extension funding and the relocation of the Arizona Department of Transportation yard. East Woolford Road funding was crucial to relieve congestion, provide emergency access and develop more commercial areas including for the event center.

Mr. Brown said the agreement with POLICY 48 was a flat, fixed monthly retainer of \$6,000.00 and could be terminated upon 30 days notice. This was already included in this year's budget.

COUNCILMAN CLARK MOVED TO AWARD THE PUBLIC AFFAIRS CONSULTING SERVICES AGREEMENT WITH POLICY 48; SECONDED BY VICE MAYOR KAKAVAS; PASSED 6 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, COUNCILMAN ADAMS, COUNCILMAN CLARK, COUNCILMAN JUDD, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

9. **SUMMARY OF CURRENT EVENTS:**

A. Council Members

Vice Mayor Kakavas attended the Apache and Navajo Counties Mayors and Councilmembers Association quarterly meeting and stated they would be sending out updated lists and procedures to the members. She shared that many municipalities were getting ready for the holiday season with events.

Councilman Clark attended the Northland Pioneer College's presentation of "The Secret Garden" and praised their performance and production and encouraged citizens to attend the performance.

B. Mayor

Mayor Leech encouraged Council and citizens to attend upcoming holiday events this season.

C. City Manager

Mr. Brown said the recreation department would be hosting many holiday events. On December 7, the Show Low Shines Christmas Parade would be held and the parade would begin at 6:00 p.m. He said there would be a Winter Wonderland Christmas stroll at the Meadow Trail, which was much like the Scarecrow Trail that would begin on December 7.

Mr. Brown said the annual Community Fast began last Sunday and ends November 23. He encouraged everyone to fast one or two meals and donate the cost of those meals (or more) to help our fellow citizens in need this holiday season. The Community Celebration would be held on November 24, beginning at 5:00 p.m. at the Show Low School District Auditorium.

Mr. Brown reminded citizens that City offices would be closed next week on Thursday and Friday, November 28 and 29 for the Thanksgiving holiday and wished everyone a Happy Thanksgiving.

10. **SCHEDULE OF MEETINGS:**

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

Mr. Brown said there would be a study session December 10, 2024, at 5:30 p.m. to review the sports and events center.

COUNCILMAN CLARK MOVED TO RECESS INTO EXECUTIVE SESSION TO DISCUSS CITY MAGISTRATE, PORTION OF A.P. NO. 210-03-034N, MEMORANDUM OF UNDERSTANDING WITH WHITE MOUNTAIN ADVISORY GROUP, AND REVIEW MINUTES OF THE EXECUTIVE SESSION OF THE SHOW LOW CITY COUNCIL HELD ON SEPTEMBER 3 AND SEPTEMBER 17, 2024; SECONDED BY COUNCILMAN ADAMS; PASSED 6 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ADAMS, CLARK, JUDD, AND WHIPPLE VOTING IN FAVOR.

The Show Low City Council recessed into Executive Session at 7:37 p.m.

11. **EXECUTIVE SESSION:**

- A. Confidentiality Statement
- B. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining, or resignation of a public officer, appointee, or employee of any public body. Pursuant to A.R.S. Section 38-431.03(A)(1)

(1) Annual Evaluation of City Magistrate

- C. 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 regarding negotiations for the purchase, sale, or lease of real property pursuant to A.R.S. Sections 38-431.03(A)(3) and 38-431.03(A)(7).

(1) Portion of A.P. No. 210-03-034N

- D. Discussion or consultation with the attorneys of the public body in order 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)(4).

(1) Memorandum of Understanding with White Mountain Advisory Group

- E. 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 September 3, 2024

(2) Executive Session Minutes of September 17, 2024

12. POST EXECUTIVE SESSION:

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

(1) Consideration of Appointment of City Magistrate and Approve Employment Agreement

(2) Consideration of Approval of the Minutes of the Executive Session of the Show Low City Council Held on September 3 and September 17, 2024

The Show Low City Council reconvened to Open Session at 8:24 p.m.

COUNCILMAN CLARK MOVED TO APPROVE THE EMPLOYMENT

AGREEMENT FOR CITY MAGISTRATE WITH JUDGE TIPTON;
SECONDED BY VICE MAYOR KAKAVAS; PASSED 6 TO 0 WITH
MAYOR LEECH, VICE MAYOR KAKAVAS AND COUNCILMAN ADAMS,
COUNCILMAN CLARK, COUNCILMAN JUDD, AND COUNCILMAN
WHIPPLE VOTING IN FAVOR.

COUNCILMAN CLARK MOVED TO APPROVE THE MINUTES OF
THE EXECUTIVE SESSIONS OF THE SHOW LOW CITY COUNCIL HELD
ON SEPTEMBER 3, 2024 AND SEPTEMBER 17, 2024; SECONDED BY
MAYOR LEECH; PASSED 6 TO 0 WITH MAYOR LEECH, VICE MAYOR
KAKAVAS AND COUNCILMAN ADAMS, COUNCILMAN CLARK,
COUNCILMAN JUDD, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

13. ADJOURNMENT:

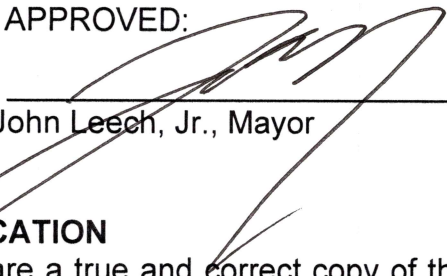
There being no further business to be brought before the Council, **MAYOR LEECH ADJOURNED THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL OF NOVEMBER 19, 2024, AT 8:26 P.M.**

ATTEST:



Rachael Hall, City Clerk

APPROVED:



John Leech, Jr., Mayor

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 19, 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 30 day of December, 2024.

(SEAL)



Rachael Hall, City Clerk