

**MINUTES OF THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL HELD ON TUESDAY, AUGUST 16, 2022, 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, Vice Mayor Kakavas, Councilman Allsop, Councilman Clark, Councilman Hatch, and Councilman Judd.

**COUNCIL MEMBERS ABSENT:** Councilman Adams.

**STAFF MEMBERS PRESENT:** Ed Muder, City Manager; Morgan Brown, City Attorney; Justin Johnson, Deputy City Manager; Brad Provost, Police Chief; Shane Hemesath, City Engineer; Justen Tregaskes, Planning and Zoning Director; Jacob Allen, Airport Manager; Nicole Hudson, Deputy City Clerk; and Rachael Hall, City Clerk.

**GUESTS:** Rob and Allison Hephner, Curt Fernau, and others.

3. Invocation.

Councilman Clark gave the invocation.

4. Pledge of Allegiance.

Vice Mayor Kakavas 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 of Certificate of Appreciation to Outgoing Member of Planning and Zoning Commission.

Mr. Tregaskes said Rob Hephner served on the Planning and Zoning Commission for three years and was a great asset to the Commission.

Mayor Leech presented a certificate of appreciation to outgoing Planning and Zoning Commission member Rob Hephner and thanked him for his service.

7. **CONSENT CALENDAR:**

- A. Consideration of Noncommercial Ground Lease with Aceland, LLC and Termination of Noncommercial Ground Lease with BTNJ One Property Management, LLC. (Jacob Allen)
- B. Consideration of Noncommercial Ground Lease with Kelly McBride at Show Low Regional Airport. (Jacob Allen)
- C. Consideration of Acceptance of West McNeil 4th Avenue to 8th Avenue Sewer Replacement, City of Show Low Project No. S-0319. (Shane Hemesath)
- D. Consideration of Contribution to Show Low Historical Society for Museum Roof Replacement and Authorization of Associated Budget Transfers. (Ed Muder)
- E. Consideration of Minutes of Show Low City Council meetings:
  - (1) Regular Meeting of August 2, 2022.

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

8. **NEW BUSINESS:**

- A. Consideration of Resolution No. R2022-17 Declaring and Adopting the Results of the Primary Election Held on August 2, 2022. (Rachael Hall)

Ms. Hall said Resolution No. R2022-17 outlined the unofficial results of the City of Show Low's Primary Election held on August 2, 2022. The ballot included three Council seats.

Ms. Hall said to win in the Primary Election, a candidate must have received a majority of the valid votes cast for the office of City Council. Based on complete unofficial results, the number of votes required to be declared elected was 1,045 for the City Council. There were four candidates for the three Council seats (incumbents Mike Allsop, Brandt Clark, and Brent Hatch, and newcomer Jodi Whitehead).

Ms. Hall said results showed that candidate Mike Allsop received 1,773 votes; Brandt Clark received 1,624 votes; Brent Hatch received 1,497 votes; and Jodi Whitehead received 1,372 votes. Mike Allsop, Brandt Clark, and Brent Hatch each received more than the 1,045 votes needed and would be declared elected to the City Council.

Ms. Hall said approving Resolution No. R2022-17 would declare the election results to be the official canvass, with Mike Allsop, Brandt Clark, and Brent Hatch filling the three Council seats, respectively. The three Council members would be sworn in at the December 6, 2022, Council meeting.

**COUNCILMAN JUDD MOVED TO ADOPT RESOLUTION NO. R2022-17 DECLARING AND ADOPTING THE RESULTS OF THE PRIMARY ELECTION HELD ON AUGUST 2, 2022; SECONDED BY VICE MAYOR KAKAVAS; PASSED 6 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ALLSOP, CLARK, HATCH, AND JUDD VOTING IN FAVOR.**

- B. Consideration of Appointment of Parks and Recreation Advisory Committee Member. (Rachael Hall)

Ms. Hall said due to the resignation of Parks and Recreation Advisory committee member Sally Williams, there was a vacancy on the committee with the term expiring March 2023. Staff advertised the vacancy and received one application from Joel Weeks.

Ms. Hall said staff recommended appointing Joel Weeks to the Show Low Parks and Recreation Advisory Committee for a term expiring March 2023.

**COUNCILMAN HATCH MOVED TO APPOINT JOEL WEEKS TO THE SHOW LOW PARKS AND RECREATION ADVISORY COMMITTEE FOR TERM EXPIRING MARCH 2023; SECONDED BY COUNCILMAN CLARK; PASSED 6 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ALLSOP, CLARK, HATCH, AND JUDD VOTING IN FAVOR.**

- C. Consideration of Award of Construction Contract for East Huning Sidewalk and Drainage Improvements, City of Show Low Project No. R-4022, and Authorization of Associated Budget Transfers. (Shane Hemesath)

Mr. Hemesath said the City's fiscal year 2022 capital improvements program budget included \$347,000.00 for a sidewalk and drainage replacement project labeled "East Huning Sidewalk." A portion of this funding (\$220,282.00) was a Community Development Block Grant that had been allocated to this sidewalk replacement project to help redevelop downtown Show Low. The scope of work included installing curb, gutter, six-foot sidewalk, Americans with Disabilities ramps, driveways, conduits for future decorative lighting and landscaping, and required drainage facilities along East Huning from 11th Street to White Mountain Road.

Mr. Hemesath said the project was designed by City engineering staff with a construction estimate of \$396,000.00. The project was publicly bid according to statutory requirements with the following results:

<u>Contractor</u>	<u>Total Bid</u>
Navapache Construction LLC	\$573,650.00
Rawlings Specialty Contracting LLC	\$649,680.00

Mr. Hemesath said staff recommended awarding the construction contract for the East Huning Sidewalk and Drainage Improvements, City of Show Low Project No. R-4022 (CDBG #102-22), to Navapache Construction LLC in an amount not to exceed \$573,650.00 and authorizing the associated budget transfers.

**COUNCILMAN ALLSOP MOVED TO AWARD THE CONSTRUCTION CONTRACT FOR THE EAST HUNING SIDEWALK AND DRAINAGE IMPROVEMENTS, CITY OF SHOW LOW PROJECT NO. R-4022 (CDBG #102-22), TO NAVAPACHE CONSTRUCTION LLC IN AN AMOUNT NOT TO EXCEED \$573,650.00 AND AUTHORIZE THE ASSOCIATED BUDGET TRANSFERS; SECONDED BY COUNCILMAN JUDD; PASSED 6 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ALLSOP, CLARK, HATCH, AND JUDD VOTING IN FAVOR.**

- D. Consideration of Award of Construction Contract for Show Low Senior Center Floor and Foundation Repairs, City of Show Low Project No. FM-0723. (Bill Kopp)

Mr. Hemesath said the City owned and maintained the Show Low Senior Center building located at 301 East McNeil in Show Low. There had been on-going issues with the concrete slab floor in the building. Due to

seasonal soil expansion and contraction, the floor had developed a severe crack. This had caused the floor to develop a vertical displacement of over two inches. This was a public area, and it had become a safety hazard.

Mr. Hemesath said in July 2022, the City advertised a request for proposals for the needed repairs. Several companies were also contacted by staff. Two companies attended the pre-proposal meeting and the subsequent site visits. The companies were given the opportunity to inspect the affected areas in the building. One proposal was received from A-PAC Pressure Grouting Inc. This proposal contained a detailed scope of work along with pricing. The cost was \$57,825.00 and was within the range that was expected for the proposed scope of work.

Mr. Hemesath said staff recommended awarding the construction contract with A-Pac Pressure Grouting, Inc. for Show Low Senior Center Floor and Foundation Repairs, City of Show Low Project No. FM-0723, in an amount not to exceed \$57,825.00.

**VICE MAYOR KAKAVAS MOVED TO AWARD THE CONSTRUCTION CONTRACT FOR SHOW LOW SENIOR CENTER FLOOR AND FOUNDATION REPAIRS, CITY OF SHOW LOW PROJECT NO. FM-0723, TO A-PAC PRESSURE GROUTING, INC. IN AN AMOUNT NOT TO EXCEED \$57,825.00; SECONDED BY COUNCILMAN CLARK; PASSED 6 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ALLSOP, CLARK, HATCH, AND JUDD VOTING IN FAVOR.**

- E. Consideration of Acceptance of South Apron Rehabilitation Project and Approval of Oil Cost Escalation Request. (Bill Kopp)

Mr. Allen said in March 2021, Armstrong Consultants advertised a request for proposals for construction services for the South Apron Rehabilitation Project at the Show Low Regional Airport. A bid opening was held on March 31, 2021, at which three bids were received.

Mr. Allen said on April 20, 2021, the City Council approved the grant application and recommendation to the Federal Aviation Administration (FAA) awarding the construction contract for the South Apron Rehabilitation Project to Show Low Construction, Inc. in an amount not to exceed \$950,418.24.

Mr. Allen said the FAA accepted the City's recommendation, awarded the contract, and funded the grant. The City had received a grant in the amount \$960,907.54 which was 100% of the Airport Improvement

Program (AIP) eligible portion of the project to include the additional costs of engineering services, construction administration, and sponsor administration. Typically, the City would be required to match 2.5% percent of the grant funds, but due to the COVID-19 pandemic, FAA required no match saving the City \$24,022.67. Total project cost was \$1,164,579.54. The City's (non-AIP eligible) portion of the total project amount was \$203,672.00.

Mr. Allen said the project was completed ahead of schedule on June 27, 2022, on budget, and with no change orders. The final inspection was completed July 27, 2022, with no deficiencies.

Mr. Allen said due to an unprecedented rise in the cost of oil between March 2021 to June 2022, the contractor incurred additional costs for material amounting to \$34,100.86. The cost per ton increased from \$399.00 to \$650.00, an increase of \$251.00 per ton. 135.86 tons of oil was purchased for the project. Though prices do commonly fluctuate, this amount far exceeded what could have been reasonably anticipated. As such, Show Low Construction, Inc. has requested that the City pay the additional costs and staff is recommending that they be split 50/50.

Mr. Allen said staff recommended accepting the South Apron Rehabilitation Project and approving the cost escalation request in the amount of \$18,487.78.

Councilman Clark asked if Show Low Construction agreed to the City paying half of the amount. Mr. Muder said Show Low Construction would prefer the City pay the full amount but were in agreeance with half.

**COUNCILMAN CLARK MOVED TO ACCEPT SOUTH APRON REHABILITATION PROJECT AT THE SHOW LOW REGIONAL AIRPORT AND TO APPROVE OF THE OIL COST ESCALATION REQUESTED BY SHOW LOW CONSTRUCTION, INC. IN THE AMOUNT OF \$18,487.78, APPROVING ANY ASSOCIATED BUDGET TRANSFERS AND AUTHORIZE THE MAYOR TO SIGN ANY ASSOCIATED DOCUMENTS; SECONDED BY MAYOR LEECH; PASSED 6 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ALLSOP, CLARK, HATCH, AND JUDD VOTING IN FAVOR.**

9. **SUMMARY OF CURRENT EVENTS:**

A. Council Members

Councilman Clark said he attended the Show Low Youth Recreation and Sports Foundation's banquet on Saturday. He commended the board members for hosting a successful fundraiser and thanked the participants of the fundraiser for supporting the foundation and its mission.

Councilman Allsop said he also attended the Show Low Youth Recreation and Sports Foundation's banquet and he appreciated the privilege to say the prayer to open the event.

B. Mayor

Mayor Leech said there was an opening on the Planning and Zoning Commission and encouraged interested residents to apply.

C. City Manager

Mr. Muder said on August 27, Navajo County and the City were sponsoring a free, region-wide residential electronic waste and used tires collection event at the Navajo County Penrod Facility in Show Low. Waste from commercial businesses would not be accepted.

Mr. Muder said Show Low Main Street's Battle of the Bands & Vans would be held September 3 at Frontier Fields. This music and food competition featured bands and food trucks competing for prize money and trophies as determined by audience vote.

Mr. Muder said in public works projects, the City's contractor was pulverizing 4th, 5th, 6th and 8th Drive on the Citywide Paving and Sidewalk Connectivity project, and these roadways were scheduled to be paved next week and sidewalk work would begin on Cooley in two weeks. Road work continued on the McNeil Acres project with the contractor working on Reidhead. Work on the wall at the Frontier Park playground began this week and the equipment was tentatively scheduled to be installed the first week of September. He thanked citizens for their patience as improvements were made around the City.

10. **SCHEDULING OF MEETINGS:**

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

Mr. Muder said the annual Student Government Day was tentatively scheduled for Tuesday, September 6, 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.

Mr. Muder said the Council Retreat would be on October 19.

**VICE MAYOR KAKAVAS MOVED TO RECESS INTO EXECUTIVE SESSION TO DISCUSS CITY MANAGER, A.P. NO. 210-30-007, AND REVIEW THE EXECUTIVE SESSION MINUTES OF MARCH 1, 2022, APRIL 19, 2022, MAY 17, 2022, AND JULY 8, 2022; SECONDED BY COUNCILMAN CLARK; PASSED 6 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ALLSOP, CLARK, HATCH, AND JUDD VOTING IN FAVOR.**

The Show Low City Council recessed into Executive Session at 7:31 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) City Manager.
- 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) A.P. No. 210-30-007.
- D. 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 March 1, 2022.
  - (2) Executive Session Minutes of April 19, 2022.
  - (3) Executive Session Minutes of May 17, 2022.
  - (4) Executive Session Minutes of July 8, 2022.

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 Sessions of the Show Low City Council Held on March 1, 2022, April 19, 2022, May 17, 2022, and July 8, 2022.

The Show Low City Council reconvened into Open Session at 8:21 p.m.

**COUNCILMAN ALLSOP MOVED TO APPROVE THE EXECUTIVE SESSION MINUTES OF MARCH 1, 2022, APRIL 19, 2022, MAY 17, 2022, AND JULY 8, 2022; SECONDED BY MAYOR LEECH; PASSED 6 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ALLSOP, CLARK, HATCH, AND JUDD 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 AUGUST 16, 2022 AT 8:22 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 August 16, 2022. 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