

MINUTES OF THE SPECIAL MEETING OF THE SHOW LOW CITY COUNCIL HELD ON WEDNESDAY, JANUARY 2, 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, and Councilwoman Kakavas.

COUNCIL MEMBERS ABSENT: Councilman Kelley and Councilman Leech.

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; Shane Hemesath, City Engineer; Shirley Patterson, Magistrate; Joe Shelley, Police Chief; Tamra Reidhead, Deputy City Clerk; and Ann Kurasaki, City Clerk.

GUESTS: Kenneth Patterson, Laura Singleton, Jim Reidhead, and Lloyd Wilmes.

3. Invocation.

Mayor Seymore gave the invocation.

4. Pledge of Allegiance.

Councilwoman 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. Proclamation by the Mayor Proclaiming January 21, 2019 as MARTIN LUTHER KING, JR. DAY OF SERVICE in the City of Show Low.

Mayor Seymore read the proclamation aloud.

7. **CONSENT CALENDAR:**

- A. Consideration of Acceptance of East Thornton and Westwood Subdivision Roadway Reconstruction, City of Show Low Project No. R-0319. (Shane Hemesath)
- B. Consideration of Minutes of Show Low City Council meetings:
 - (1) Regular Meeting of December 4, 2018.

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

8. **NEW BUSINESS:**

- A. Consideration of Ordinance No. 2019-01 Repealing Section 9-4, *Property Maintenance*, of Chapter 9, *Health and Sanitation*, of the Show Low City Code and Adopting Resolution No. R2018-01 Declaring as a Public Record That Document Titled "Article 9-4, *Property Maintenance*, of Chapter 9, *Health and Sanitation*, of the Show Low City Code." (Justen Tregaskes)

Mr. Tregaskes said at the October 30, 2018, Council retreat, staff presented information and discussed amending Article 9-4, *Property Maintenance*, regarding the steps for enforcing codes. Currently, there were three steps outlined in the City Code for enforcement. The first was the "judicial" procedure, most commonly used by staff, which began with a verbal notice to the alleged violator. The second and third steps, "administrative" and "emergency" procedures, respectively, had never been used.

Mr. Tregaskes said when the Property Maintenance section was revised in 2003, it added establishing a Volunteer Assistance Committee whose members would provide assistance or information to any violators. As stated in the section, it was the Mayor's responsibility to appoint committee

members and the Volunteer Assistance Committee was established in 2003. The committee was used once after it was formed, but it never reconvened after a second case arose.

Mr. Tregaskes said by following the current code, two months could elapse between an informal and formal notice of violation, which was a long time for a problem to remain unresolved. Staff recommended streamlining enforcement procedures by removing the "administrative" process, combining a "verbal notice" and an "informal written notice" into one step, reducing the mandatory 30-day correction minimum to a 15-day correction minimum, and removing the requirement for a Volunteer Assistance Committee. The intent of the proposed changes was to resolve problems before having to file a court action against a violator.

Mr. Tregaskes in the first three quarters of 2018, 194 cases were opened with 156 resolved and six sent to court. Of those six, only one case actually went before the judge, and the remaining five were resolved between staff and the property owners before going to court.

Mr. Tregaskes said because the changes affected nearly the entire section, Ordinance No. 2019-01 would repeal Article 9-4, *Property Maintenance*, and adopt a new article. Due to the document's length and to save on publication costs, staff recommended the article be adopted as a public record by Resolution No. R2019-01, and then adopting the public record through Ordinance No. 2019-01. The revised article would take effect 30 days after adoption.

Councilwoman Kakavas said some properties were in disarray for years and asked what happened if property owners didn't clean up and were not cited in court. Mr. Tregaskes said there could be multiple issues in those cases. Staff sometimes received anonymous letters, emails, or phone calls related to properties that neighbors felt were in violation. The City's property maintenance code was not written as strictly as some wished, but staff would visit the properties that were reported anonymously and determine whether or not they rose to the level of a violation. The anonymous reports were difficult to process because staff was not able to contact the complainant to let him or her know that staff had visited the property. There were times when staff continued working with a property owner to resolve issues that extended into a fairly lengthy time period. As long as there was forward progress, staff preferred working with property owners over going to court.

Councilman Crittenden asked if any assistance was available to the elderly, disabled, or needy when their property needed attention. Mr. Tregaskes said the City had several tools available to help property owners, such as

excess trash pickup every odd month during the year and Project Clean Sweep. The City also sponsored the MLK Day of Service where service teams helped property owners who weren't able or didn't have the means to take care of the cleanup themselves. Staff also attempted to put property owners in contact with community groups, churches, and service organizations that could assist.

Councilman Crittenden asked what would happen if a property owner couldn't accomplish the cleanup within 15 days. Mr. Tregaskes said there was a 15-day correction minimum, so staff could allow the property owner more time, if necessary, as long as progress was being made.

Mayor Seymore asked if the City had the right to clean the property and then file a lien to recoup the cost of the cleanup. Mr. Tregaskes said if the court ordered the owner to clean the property but he did not comply, the judge could then issue a court order to allow the City to take care of the cleanup and file a lien against the property to recover the associated costs.

MAYOR SEYMORE MOVED TO ADOPT RESOLUTION NO. R2019-01 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND TITLED "ARTICLE 9-4, PROPERTY MAINTENANCE, OF CHAPTER 9, HEALTH AND SANITATION, OF THE SHOW LOW CITY CODE"; SECONDED BY COUNCILWOMAN KAKAVAS; PASSED 5 TO 0 WITH MAYOR SEYMORE, VICE MAYOR ALLSOP, AND COUNCIL MEMBERS CRITTENDEN, HATCH, AND KAKAVAS VOTING IN FAVOR.

By unanimous consent, Ms. Kurasaki read Ordinance No. 2019-01 by title only.

"AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SHOW LOW, ARIZONA, REPEALING SECTION 9-4, PROPERTY MAINTENANCE, OF CHAPTER 9, HEALTH AND SANITATION, OF THE SHOW LOW CITY CODE AND ADOPTING THAT DOCUMENT TITLED 'ARTICLE 9-4, PROPERTY MAINTENANCE, OF CHAPTER 9, HEALTH AND SANITATION, OF THE SHOW LOW CITY CODE' BY REFERENCE"

MAYOR SEYMORE MOVED TO ADOPT ORDINANCE NO. 2019-01; SECONDED BY VICE MAYOR ALLSOP; PASSED 5 TO 0 WITH MAYOR SEYMORE, VICE MAYOR ALLSOP; AND COUNCIL MEMBERS CRITTENDEN, HATCH, AND KAKAVAS VOTING IN FAVOR.

- B. Consideration of Appointment of Associate City Magistrate. (Shirley Patterson)

Judge Patterson said when she was unavailable or if a conflict arose with a certain case, it was necessary to have an additional judge (Associate Magistrate) available to preside at the Magistrate Court. In accordance with City Code, Associate Magistrates were appointed to two-year terms.

Judge Patterson said Judge Price's contract as City Magistrate ended on January 31, 2019, to allow her as the new Magistrate to attend training in January and Judge Price would fill in for her. After January, Judge Price would preside only as needed if she was unavailable or if a conflict arose. Judge Price also served as a judge *pro tempore* for the Navajo County Justice Court.

Judge Patterson recommended Stephen Price's appointment as Associate Magistrate to a two-year term ending January 31, 2021. She would begin training the new clerks to serve as Associate Magistrates in the future. After January 31, 2019, the rate for Judge Price's services would be \$45.99 per hour.

VICE MAYOR ALLSOP MOVED TO APPOINT STEPHEN PRICE AS ASSOCIATE MAGISTRATE TO A TWO-YEAR TERM ENDING JANUARY 31, 2021; SECONDED BY COUNCILWOMAN KAKAVAS; PASSED 5 TO 0 WITH MAYOR SEYMORE, VICE MAYOR ALLSOP, AND COUNCIL MEMBERS CRITTENDEN, HATCH, AND KAKAVAS VOTING IN FAVOR.

- C. Consideration of Acceptance of Governor's Office of Highway Safety Grant and Approval of Associated Budget Transfers. (Joe Shelley)

Chief Shelley said the Show Low Police Department received a Governor's Office of Highway Safety grant (contract #2019-405d-052) for \$47,000 to purchase a fully-equipped police package vehicle. The vehicle provided under the terms of this grant would be fully marked with subdued markings (ghost graphics) to be used for enforcement of DUI, speed, and aggressive driving laws.

Chief Shelley said this grant reimbursed the entire cost of purchasing and outfitting a police vehicle, and there were no matching cost requirements.

COUNCILMAN CRITTENDEN MOVED TO ACCEPT A GOVERNOR'S OFFICE OF HIGHWAY SAFETY GRANT FOR \$47,000 AND APPROVE THE ASSOCIATED BUDGET TRANSFERS TO PURCHASE A FULLY-EQUIPPED POLICE PACKAGE VEHICLE; SECONDED BY VICE MAYOR ALLSOP; PASSED 5 TO 0 WITH MAYOR SEYMORE, VICE MAYOR ALLSOP, AND COUNCIL MEMBERS CRITTENDEN, HATCH, AND KAKAVAS VOTING IN FAVOR.

AT THIS TIME, THE CITY COUNCIL WILL RECESS INTO A SPECIAL MEETING OF THE SHOW LOW BLUFF COMMUNITY FACILITIES DISTRICT BOARD TO APPROVE THE THIRD AMENDMENT TO DISTRICT DEVELOPMENT, FINANCING PARTICIPATION, AND INTERGOVERNMENTAL AGREEMENT WITH SHOW LOW BLUFF COMMUNITY FACILITIES DISTRICT.

The Show Low City Council recessed into a Special Meeting of the Show Low Bluff Community Facilities District Board at 7:25 p.m. The Show Low City Council reconvened at 7:30 p.m.

9. **SUMMARY OF CURRENT EVENTS:**

A. Council Members

Vice Mayor Allsop said he attended Main Street board meeting where they discussed upcoming projects and also attended a Meals on Wheels/Senior Center board meeting. The Senior Center had begun serving meals again after being closed for the holidays.

Councilwoman Kakavas wished citizens and employees a Happy New Year. She thanked public works and public safety staff for their diligence in keeping everyone safe during the recent storm.

B. Mayor

No report.

C. City Manager

Mr. Muder said the recent severe weather had resulted in delays and changes, including Waste Management's normal collection schedule this week. For those with a Tuesday pickup, the service date was moved to tomorrow (Thursday). For those scheduled for Wednesday collection, the date was moved to Friday, and those with a Thursday collection would have their trash picked up on Saturday. Regular trash service was expected to resume next week. Any changes would be posted on the City's website, via social media, and on the radio. Because of weather, the annual Deuce of Clubs Drop was also canceled.

Mr. Muder thanked 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, including helping those involved in slide-offs and accidents.

Mr. Muder said anyone who wanted to recycle a Christmas tree had until Sunday to drop it off — with all lights and decorations removed — within the area bordered by orange construction tape at the north end of the Frontier Park parking lot on 9th Place. The trees would be taken to NOVO Power in Snowflake for use as biomass fuel.

Mr. Muder said staff was beginning the process to prepare the City's annual budget for fiscal year 2020 (which covered July 1, 2019, through July 30, 2020). In addition to a budget study session with the City Council on Tuesday, January 15, at 6:00 p.m., a town hall budget meeting would be held specifically for citizen input on Thursday, January 24, at 6:00 p.m. All budget meetings would be held in Council Chambers and open to the public. A full listing of meeting dates was available on the City's website.

Mr. Muder said the recreation department had begun selling tickets to the popular Daddy Daughter Dance for girls ages 1 to 13 on February at the city campus gym on East McNeil. Tickets were \$6 per person. Registration was also open for the 2019 BBQ Throwdown, tae kwon do, and winter pickleball.

10. **SCHEDULING OF MEETINGS:**

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

Mayor Seymore reminded the Council of the annual Legislative Day in Phoenix on January 17.

11. **ADJOURNMENT.**

There being no further business to be brought before the Council, **MAYOR SEYMORE ADJOURNED THE SPECIAL MEETING OF THE SHOW LOW CITY COUNCIL OF JANUARY 2, 2019 AT 7:35 P.M.**

ATTEST:

APPROVED:

Ann Kurasaki, City Clerk

Daryl Seymore, Mayor

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the **SPECIAL MEETING** of the City Council of Show Low held on January 2, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 20____.

(SEAL)

Ann Kurasaki, City Clerk