

**TUSAYAN TOWN COUNCIL MEETING**  
PURSUANT TO A.R.S. § 38-431.02 & §38-431.03  
May 4, 2011 @ 6:00 P.M.  
Best Western Squire Inn, Zuni Conference Room  
74 State Route 64, Tusayan Arizona

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING**

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Bryan called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

**2. ROLL CALL**

On roll call, the following were present:

**MAYOR BRYAN  
VICE MAYOR MANIACI**

**COUNCILMEMBER BLASI  
COUNCILMEMBER MONTOYA  
COUNCILMEMBER RUETER**

Also present were:

Enrique Medina Ochoa, Town Manager  
Richard Turner, Town Planner  
Hollie L. Drew, Town Clerk

**3. CALL TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

Mayor Bryan made a call to the public for items not on the agenda. No public input.

**4. CEREMONIAL AND INFORMATIONAL MATTERS**

**Employee Personnel Benefit Programs, Bobbie Kimelton**

Town Manager Ochoa introduced Bobbie Kimelton, Human Resource Manager for the City of Peoria. Ms. Kimelton presented to Council her presentation on Employee Personnel Benefit Programs for municipalities. Mayor Bryan thanked Ms. Kimelton for her presentation. He asked staff to follow up with the Mountain States Employer Council for information and assistance in setting up employee systems and policies.

**5. CONSENT AGENDA**

**ITEMS ON THE CONSENT AGENDA ARE ROUTINE IN NATURE AND WILL BE ACTED**

**ON WITH ONE MOTION AND ONE VOTE. PUBLIC HEARING ITEMS ARE DESIGNATED WITH AN ASTERISK (\*). MEMBERS OF THE COUNCIL OR STAFF MAY ASK THE MAYOR TO REMOVE ANY ITEM FROM THE CONSENT AGENDA TO BE DISCUSSED AND ACTED UPON SEPARATELY.**

**Consideration and possible approval of April 20, 2011 Meeting Minutes**

**Consideration and possible approval of Administrative/Treasurer's Report**  
Acceptance of the Finance Report  
Approval of the Payment of Bills

Councilmember Montoya moved to approve the Consent Agenda as presented.  
Councilmember Rueter seconded the Motion. All were in favor.

## **6. COMMITTEE REPORTS**

None.

## **7. PUBLIC HEARINGS**

**PUBLIC HEARING on a Request by the South Grand Canyon Sanitary District to Renew a Conditional Use Permit for a Wastewater Treatment Plant and Accessory Structures (UP-90-34, UP-96-01, UP-97-03 and CUP-07-039) on 8.17 Acres in the General Zone. Case No. CUP-10-052 and RESOLUTION NO. 2011-05-04-01.**

Richard Turner, Town Planner, presented his staff report on a Request by the South Grand Canyon Sanitary District to Renew a Conditional Use Permit for a Wastewater Treatment Plant and Accessory Structures (UP-90-34, UP-96-01, UP-97-03 and CUP-07-039) on 8.17 Acres in the General Zone. Case No. CUP-10-052 and RESOLUTION NO. 2011-05-04-01. Mayor Bryan opened the hearing for any questions or comments. There were none. Public Hearing Closed.

**PUBLIC HEARING on a Request to Amend the Town of Tusayan Building Code (2005 National Electric Code) by Adding a New Section Relating to Underground Utilities. ORDINANCE NO. 2011-05-04-01.**

Richard Turner, Town Planner, presented his staff report on a Request to Amend the Town of Tusayan Building Code (2005 National Electric Code) by Adding a New Section Relating to Underground Utilities. ORDINANCE NO. 2011-05-04-01. Mayor Bryan opened the hearing for any questions or comments. There were none. Public Hearing Closed.

## **8. ITEMS FOR ACTION**

**RECONSIDERATION of Previous Action on a Request by the South Grand Canyon Sanitary District to Renew a Conditional Use Permit for a Wastewater Treatment Plant and Accessory Structures (UP-90-34, UP-96-01, UP-97-03 and CUP-07-039) on 8.17 Acres in the General Zone. Case No. CUP-10-052 and RESOLUTION NO. 2011-05-04-01.**

Councilmember Montoya moved that the Council approve CUP-07-039 on 8.17 Acres in the General Zone. Case No. CUP-10-052 and RESOLUTION NO. 2011-05-04-01. Vice Mayor Maniaci seconded the motion. All were in favor.

**CONSIDERATION of a Request to Amend the Town of Tusayan Building Code (2005 National Electric Code) by Adding a New Section Relating to Underground Utilities. ORDINANCE NO. 2011-05-04-01.**

Councilmember Rueter moved to approve Ordinance No. 2011-05-04-01. Vice Mayor Maniaci seconded the motion. Councilmember Montoya questioned whether this ordinance would impact situations where it was extremely difficult/expensive to bury lines. Mayor Bryan stated that it would not. All were in favor.

**Consideration and possible approval of a revision to the Law Enforcement Contract with the Coconino Sheriff's Office.**

Town Manager Ochoa explained the process for termination of the current contract with the Sheriff's Office. Councilmember Blasi expressed his concerns and would like staff to contact the Town Attorney to write a letter asking the Sheriff's Office for documentation of the contracted services it has provided. Councilmember Blasi asked if the Town is at liberty to direct staff to write a letter to the Sheriff's Office. Mayor Bryan stated that a motion is not necessary to direct staff to write such a letter.

**Consideration and possible approval of authorization to pursue COPS Hiring Grant for entities already working with law enforcement agencies such as the Coconino Sheriff's Department and to accept the offer of assistance of Kathleen Levinson, Grants Manager CCSO.**

Councilmember Blasi asked if there were any "hidden fees" from the Sheriff's Office in assisting with this item. Town Manager Ochoa stated that he recommends meeting with the Sheriff's Office and obtaining more information so the Council may make a decision at the May 19<sup>th</sup> Council meeting. Mayor Bryan made a motion to authorize Town Manager Ochoa to proceed with meeting with the Sheriff's Office and bring information back to Council on May 19, 2011. Councilmember Rueter seconded the motion. No further discussion. All were in favor.

**Consideration and possible approval for the preparation of an announcement for the advertisement of the position of Town Marshall.**

Mr. John Dillon expressed thanks to the Council for looking at the matter of Town protection. Mr. Dillon recommended that Council collect "real-life" data from the community to obtain information in deciding the needs of the Town.

Councilmember Blasi asked to direct staff, for future use, to create descriptions and job announcements so when the Town is ready these items will be ready. Mayor Bryan asked Council who would like to assist the Town Manager. Vice Mayor Maniaci

and Councilmember Blasi offered to assist.

**Consideration and approval of direction to staff to direct Bill Sutton to begin drafting the town's enforcement codes for traffic, parking and all other Law Enforcement applicable codes.**

Town Manager Ochoa presented his staff report stating that the Scope of Work for Judge Sutton does not include drafting enforcement codes and recommends no action on this item. Councilmember Blasi stated that he would like to request that the Town approach Judge Sutton to see if his contract could be amended to include such work. Councilmember Rueter agreed with Councilmember Blasi to direct staff to discuss a proposed amendment to the contract and bring back to Council. Councilmember Blasi requested that staff meet with Judge Sutton to obtain a proposed amendment as to costs and revised terms of contract and bring back to Council on May 19, 2011. Councilmember Rueter agreed and asked that the Judge attend the May 19, 2011 meeting.

**Consideration and approval to begin transition for Bill Sutton from Consultant to Magistrate.**

Town Manager very strongly recommended that the Town take no action at this time. Councilmember Blasi asked what the legal requirements are that would prevent action at this time. Town Manager Ochoa responded that currently there are no employee positions and classifications and that you cannot transition from consultant to a regular Town position without advertising the position.

**Consideration and approval for Bill Sutton to begin setting up the Municipal Court as soon as the Municipal Building is operable.**

Town Manager Ochoa presented his staff report regarding the setup of the Municipal Court and recommended no action at this time. Councilmember Rueter stated that the building plans have been approved and that the building is being constructed per the original plans.

**Consideration and possible acceptance of the Tusayan Municipal Water Study prepared by Willdan Engineering, P.M.I. and Aricor Water Solutions on behalf of the Town.**

Town Manager Ochoa presented his staff report and recommended no action. Mayor Bryan commented that Council would only be accepting delivery of the report.

Mayor Bryan opened the item for public comment.

Bill Fitzgerald of Tusayan took the podium and asked should a study of this nature be presented to the public? Mayor Bryan commented that the study has been presented to Council for review but is not binding on the Town.

Aaron Hall, a Flagstaff attorney representing Red Feather properties, spoke regarding the Mayor's comment about "accepting" the document. Mr. Hall believes

that there is more than “acceptance” occurring if the Council accepts the document and urged Council to follow staff’s recommendation to not accept the document until the community has had a chance to review.

John Thurston took the podium and expressed his concern that Council should consider the time and money involved in making decisions regarding this item.

Mayor Bryan requested staff ask for a projection of operational costs involved.

Mayor Bryan asked that a note be made in the minutes that the document has been received and at some point a discussion take place in Executive Session regarding the document. Councilmember Rueter asked that as an employee of Hydro Resources that Anasazi Water Company get a copy of the report. Mayor Bryan asked that an electronic copy of the report be placed on the Town Website.

**Consideration and possible approval of \$2500.00 in funds to attend Arizona League of Cities Conference to be held Friday and Saturday, June 3 and 4, 2011 at the Embassy Suites in Scottsdale, AZ.**

Councilmember Montoya moved to approve. Vice Mayor Maniaci seconded the motion. All were in favor.

**Consideration and possible approval of the Town Manager as the Arizona Municipal Risk Retention Pool designated voting representative member for the Annual Trustee Election by May 23, 2011.**

Councilmember Rueter moved to approve. Vice Mayor Maniaci seconded the motion. All were in favor.

**Consideration and possible approval of the Town of Tusayan Preliminary Budget for FY11-12.**

Councilmember Montoya moved to accept the preliminary budget as drafted. Councilmember Blasi seconded the motion. Mayor Bryan clarified the process of adopting a final budget. All were in favor.

**Consideration and possible approval of date change for the Tusayan Regular Council meeting from Wednesday, May 18, 2011 at 6:00 p.m. to Thursday, May 19, 2011 at 6:00 p.m. to accommodate a Tusayan Town Hall Meeting to be held by Congressman Paul Gosar on Wednesday.**

Vice Maniaci agrees with the Mayor on maintaining future relations and moved to schedule the meeting of the Town Council to May 19, 2011. Councilmember Montoya seconded the motion. Councilmember Rueter commented that he understands Councilmember Blasi’s position but believes that it is in the best interest of the Town to have dialogue with the Congressman. Motion passed 4 -1 with Councilmember Blasi opposed.

**9. ITEMS FOR DISCUSSION**

**Town Modular Office Update Report.**

Town Manager Ochoa presented an update on the new Town office. Councilmember Rueter thanked Mike Halpin at the Airport for his assistance.

Councilmember Rueter commented that he believes the new office may be set during the first two weeks of July. Mayor Bryan asked Town Manager Ochoa to look at equipment needs for the new office and report back to Council.

**Update on the school/park partnership and added to the update.**

Mayor Bryan referenced two requests for support from Paige Maple and Rachel Rivera for a community garden at the Park facilities.

**\*Report from Willdan Engineering regarding code enforcement process.**

Richard Turner presented his staff report on the code enforcement process. Mayor Bryan asked for a copy of Mr. Turner's report. Mayor Bryan then presented a question to Mr. Turner submitted by Bill Fitzgerald asking "Can a magistrate enforce the Town's code?" Mr. Turner answered that you would want the hearing officer and code enforcer be separate individuals. Councilmember Blasi asked if the positions could be filled by contracted employees? Mr. Turner commented that he believes the positions can be contracted by the Town. Councilmember Rueter asked if Council needs a separate action to add to the Scope of Work? Town Manager Ochoa stated it is within the current Scope of Work so no change would be necessary. Mayor Bryan asked that Mr. Turner review the letters that had been presented and begin any necessary actions to bring violations into compliance. A question was asked regarding the timeline if a "public safety" issue would expedite the process. Mr. Turner responded that it could, depending whether violations were considered Criminal or Civil. The Mayor asked that Mr. Turner come back with any further support or actions needed from the Council.

Council requests that Town Manager Ochoa bring back information regarding staff's guidance on actions needed.

**Update on comparative of Council policies and procedures.**

Town Manager Ochoa explained that he had received information from other municipalities but is not ready for final report.

**\*Update on disclosure forms and procedures for elected officials.**

Town Manager Ochoa presented an update on disclosure forms and procedures. Councilmember Rueter stated that he appreciated the clarification on the filings required.

**10. TOWN MANAGER'S REPORT**

Town Manager Ochoa commented that his report had been covered by the most of the actions taken tonight. Mr. Ochoa further commented that he intends to review and tighten up all contracts.

**SET AGENDA AND ACTION ITEMS FOR NEXT MEETING**

Judge Sutton Report

Amendment to Current Contract  
Review Water Report  
Update on NACOG Contract  
Update on the specifics of COPS Grant  
Mountain States Employer Council - 401A Pension vs. Retirement Account  
AZ League Conference Attendance Update  
Update on Code Enforcement Process  
Update on Modular Office

Mayor Bryan set the following Agenda guidelines for drafting and posting of future agendas:

Draft agenda shall be forwarded to Council no later than Thursday  
Council and Staff shall have comments returned to Town Manager and Town Clerk no later than Friday 6:00 p.m.  
Final Agenda to be posted no later than Noon Monday  
All Agenda packets shall be sent electronically to Council and staff no later than 5:00 p.m.  
Monday and posted on Town website.

John Dillon requested that if a report is to be presented to Council that the community be given plenty of notice.

## **12. COUNCIL MEMBERS' REPORTS**

**Vice Mayor Maniaci** – No Report

**Councilmember Rueter** – No Report

**Councilmember Blasi** – Councilmember Blasi stated that approximately six weeks ago he was invited to draft a letter to the Park Service to inquire about Town dispatch services. Councilmember Blasi requests that the Town contact the Park Service so it may obtain an answer from the Park Service on its dispatch ability. Town Manager Ochoa stated he had communications with the Park Service regarding this matter and that he had turned the matter over to Mayor Bryan to follow-up on. Mayor Bryan commented that he called the Superintendents' office and was advised that since the Acting Superintendent was leaving, he should work with the Chief of Protection Bill Wright to see what was possible in regards to dispatch services.

**Councilmember Montoya** – Councilmember Montoya discussed complaints from citizens regarding potholes in the parking lots and what possible options the Town has in getting repair to the potholes.

## **13. MAYOR'S REPORT**

Mayor Bryan requested that a list be prepared and a review of all Conditional Use Permits issued to date be performed. The Mayor further requested that staff go through all previous Minutes and pair with Resolutions, Ordinances, etc, to be sure we have accurate records and that all expected actions had been taken to date. Mayor Bryan thanked the community for its support and attendance at the Council meetings.

## **14. ADJOURNMENT OF REGULAR COUNCIL MEETING**

Vice Mayor Maniaci moved to adjourn the meeting at 9:42 p.m. Councilmember Rueter

seconded the motion. All were in favor.

Respectfully submitted this 9<sup>th</sup> day of May, 2011.

Hollie L. Drew, Town Clerk

Greg Bryan, Mayor