

**DRAFT**

**TUSAYAN TOWN COUNCIL REGULAR MEETING**

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03

October 5, 2011 @ 6:00 P.M.

Best Western Squire Inn, Zuni Conference Room  
74 State Route 64, Tusayan Arizona

**TOWN COUNCIL REGULAR MEETING - DRAFT**

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

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

**2. ROLL CALL**

On Roll Call the following were present:

**MAYOR BRYAN**

**VICE MAYOR MANIACI**

**COUNCILMEMBER MONTOYA**

**COUNCILMEMBER RUETER**

Also Present: Town Manager Ochoa  
Town Attorney Sims  
Town Clerk Sutton  
Office Assistant Garver

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

No Public Comments were made

**4. CEREMONIAL AND INFORMATIONAL MATTERS**

Dick Fleishman and Nick Larson of the U.S. National Forest Service presented the Four-Forest Restoration Initiative which is a collaborative planning and implementation effort designed to restore forest resiliency and function across four National Forests in Arizona. The Kaibab Forest is included in the plans. Re-vegetation on burnt areas is not part of this plan.

**5. CONSENT AGENDA**

**Consideration and possible approval of Administrative/Treasurer's Report**

Acceptance of the Finance Report  
Approval of the Payment of Bills  
Approval of Minutes

Council Member Montoya moved to approve the items on the consent agenda with corrections.

Council Member Rueter seconded the motion. All were in favor.

**6. COMMITTEE REPORTS**

No committee reports were presented.

## **7. ITEMS FOR ACTION**

### **Consideration and possible approval of the selection of an applicant for appointment by the Town Council to fill the current vacancy on the Tusayan Town Council**

Town Manager Ochoa stated that there were currently two applicants for the open Town Council position. Council Member Montoya said that he would recuse himself from the interview process because of his association with one of the applicants. The Council requested the Town Manager to set up appointments with the applicants and any other that apply, for October 13<sup>th</sup> at 4:00 and it would be open to the public.

### **Consideration and possible approval of an Ethics Code for the Town of Tusayan**

Town Manager Ochoa indicated that the Council had held off on acting on approving the ethics code until the community had time to review it.

Town Attorney Sims said that some of the concerns from the public were that there were no sanctions on elected officials. He said that what the ethic code states is what is in most jurisdictions and that the public voting them off the Council was the strongest penalty. Misdemeanors would be referred to the Town Attorney and then could be sent on to a second sister Town Attorney. He agreed that the Code of Ethics code be amended, so that one elected Town official couldn't remove another elected Town official.

Council Member Rueter moved to approve the Ethics Code as presented. Vice Mayor Maniaci seconded them motion. All were in favor.

### **Consideration and possible approval of Enforcement Codes for the Town of Tusayan**

The Town Manager said that this was also held over to this meeting to give time for the Public and Council to review. The Town Attorney said he would give legal advice in E-Session. He said that the enforcement codes were written in such a way so that civil issues could be brought before a hearing office that the Council appointed. If it was adopted now, it would start the process of code enforcement. The Town would need to get a magistrate in place or put in place an IGA with the County for Magistrate purposes. The Council would not review criminal violations and once the IGA was in place, the Council would be removed from the list of enforcers

Clarinda Vail stated that there had been no substantial changes to the document and in particular Council Member Montoya's concern about the Council being listed as one of the enforcers.

Aaron Hall, attorney for Red Feather Properties, suggested that the Council wait to approve the enforcement codes until a municipal court was in place. He was concerned about the Council being the ones to write the laws and sit in judgment. He did say that the Council could sit on civil matters but stressed the importance of separation of powers.

Vice Mayor Maniaci requested that a decision be deferred until after E-Session.

### **Consideration and possible approval of Reclaimed Wastewater Purchase Agreement between the South Grand Canyon Sanitary District and the Town of**

## **Tusayan**

The Town Manager informed the Council that he had received an agreement to purchase reclaimed water from the South Grand Canyon Sanitary District. The agreement would be dealing strictly with using reclaimed water for irrigation purposes and not for double piping any new construction. It would be for irrigating the landscaping along the new highway construction.

The Town Attorney suggested some changes to the language be made to the agreement.

Council Member Montoya moved to approve the agreement with the South Grand Canyon Sanitary District with changes to the language.

Council Member Rueter seconded the motion. All were in favor.

## **8. ITEMS FOR DISCUSSION**

### **Update on Branding Study**

#### **Update on Marketing Partnership Strategies**

Town Manager Ochoa had attended the Board of Directors Chamber meeting. The Chamber is still working on sending out the next survey and is another thirty to forty-five days out. Mr. Ochoa has requested Mr. Finely to attend the next meeting to explain the process.

### **Update on Town Modular Office**

The Town Manager received a quote for the site preparation and sent it back as it was on the high side. They countered and cut it by more than half. Mr. Ochoa requested that Woodson identify some additional contractors to bid out to do the site work. He also suggested that FANN Construction may be able to some of the work as they already have some equipment here, which would cut some of the expense.

Council Member Rueter asked if Century Link had responded about relocating the cable. Mr. Ochoa said they had not. Council Member Rueter suggested possibly using some materials from FANN would help with lower the cost and that Mr. Ochoa request assistance from Century Links Phoenix office.

### **Update from the Sheriff's Department**

Lieutenant Tozer gave an overview of the reports that the department had received from March to July. Since the highway construction began, the traffic violations have gone up. Mayor Bryan requested that a comparison from last year could be added to the information.

## **9. TOWN MANAGER'S AND STAFF REPORTS**

No reports were given.

## **10. SET AGENDA AND ACTION ITEMS FOR NEXT MEETING**

Various items were suggested for the next meeting.

## **11. COUNCIL MEMBERS' REPORTS**

No reports were given.

## **12. MAYOR'S REPORT**

The Mayor stated that the things that were before the Council were challenging and encouraged those who enjoyed a challenge and the learning process to apply for the

open Council position.

**13. MOTION TO ADJOURN INTO EXECUTIVE SESSION for the following purpose:**

Council Member Rueter moved to move into executive session at 7:12pm following a ten minute recess.

Council Member Montoya seconded the motion. All were in favor.

The Council moved into executive session at 7:23pm.

Richard Turner of R. Turner & Associates was in attendance.

Council Member Rueter recused himself prior to discussion on Executive Session Item B because of his relationship with Camper Village and left Council Chambers.

**The Council may wish to go into Executive Session pursuant to A.R.S. Section 38-431.03.A.3 in order to receive legal advice concerning items on the agenda.**

**The Council may wish to go into Executive Session pursuant to A.R.S. Section 38-431.03.A.3 & A.4 for discussion and consultation with the Town Attorney in order to receive legal advice and give direction concerning Stilo Pre-annexation and Development Agreement and related approvals required by the Town.**

The Council reconvened to the regular meeting at 8:44pm. Council Member Rueter returned.

Town Attorney Sims recommended that the Enforcement Code be approved with the recommended changes.

Council Member Rueter moved to approve the Enforcement Code with the suggested modifications made by the Town Attorney.

Vice Mayor Maniaci seconded the motion. All were in favor.

**14. ADJOURNMENT OF REGULAR COUNCIL MEETING**

Vice Mayor Maniaci moved to adjourn the meeting.

Council Member Montoya seconded the motion. All were in favor.

The meeting concluded at 8:48pm.