

TUSAYAN TOWN COUNCIL MEETING

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

July 20, 2011 @ 6:00 P.M.

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

REGULAR TOWN COUNCIL MEETING MINUTES

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 BLASI
COUNCILMEMBER MONTOYA
COUNCILMEMBER RUETER

Also Present: Town Manager Enrique Medina Ochoa
Town Clerk Bill Sutton
Office Assistant Debra Garver

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

Mayor Bryan gave a history on the alleged violation of the Ordinance No. 2010-09-08-02. The previous Council voted to adopt the Ordinance that Fire Chief Evans had reviewed and modified for the Council. It is the responsibility of the Council to not ignore a violation as it would open doors for legal issues or an accusation of discrimination or favoritism when other violations occur. The Council has requested an investigation into the matter and has not pre-determined any one person or organization guilty of anything. The process has shown that there are a number of items in the procedures that need to be addressed for the future.

Norm Hanna thanked the many people who volunteered in helping with the 4th of July celebration and apologized for the fire pit and bon fire. As it had been an annual event, it was incorrectly assumed that the permit included that. "This will not re-occur. We have 20/20 hindsight. It was not our intent to ignore the Ordinance", Hannah said.

Aaron Hall, attorney for Red Feather Properties, said it was inappropriate for Council to accuse people of violations in open session. He said that the Council needed to simply apply the laws fairly and there are allegation(s) of ethic violations that are not being raised by the Council. Hall questioned why the Mayor would bring up a previous Council as the ones adopting the Fire Ordinance since some of the members are the same now as then. Hall also stressed that he didn't think the laws are being applied fairly, saying there are numerous zoning code non-reported or not processed offenses happening in Tusayan.

Eric Geissaz thanked the Chamber and felt that the fire pit was common sense to do to warm the spirit of the people on such a wet night.

Bob Freson vouched for the character of Chief Evans, and Deputy Chief Pitsinger as to how safety conscience and dedicated they are.

Chief Robert Evans spoke about how upset his men were and that their integrity had been put into question. Chief Evans brought up a few other points, including; the area had been watered down and was a boggy mess. He said, that when the Ordinance had been passed, it was assumed that these types of events would be part of the permits. He questioned why investigations were not being performed on other open campfires. He also stated, they had nothing to do with setting the fire and that "if somebody would have come and said to put the fire out, we would have."

After running out of his allotted three minutes time to speak, Chief Evans was given one extra minute to speak, by Mayor Bryan. Evans said that we have been given the authority for open burning since 2001, and he left a copy of a letter with the Mayor to that effect.

Jake Banks requested that the Town Manager apologize and render his resignation based on what he read in the newspaper that the Fire Department had started the bon fire.

Pete Shearer, first Mayor of Tusayan read the Ordinance and since the Fire Department would be at certain events, the Ordinance was intended to make exceptions for them. "We set it up that way".

Nancy Hasenmayer stated that she was sad that the community was divided and that this issue ignited everyone.

John Thurston was concerned that a Councilmember confronted his 15-year-old nephew.

Bill Fitzgerald said "The voice of Tusayan was here tonight and I request that the Council make the investigation go away, by asking the Attorney General to drop this."

A five minute recess was called at 6:30pm., by Mayor Bryan.

Open session began again at 6:35pm.

4. CEREMONIAL AND INFORMATIONAL MATTERS

Steve Monroe, ADOT Project Supervisor, stated activity would start later on this week and the contractor would begin work next week. There will always be one lane of traffic open in either direction.

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 consent agenda with changes.

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

6. COMMITTEE REPORTS

No reports were presented.

7. PUBLIC HEARINGS – Proposed Fiscal Year Budget for 2011-2012

- A. Open Hearing**
- B. Call to the Public**
- C. Close Hearing**

The Mayor opened the public hearing for the proposed Fiscal Budget for 2011-2012, made a call to the public, no one from the public responded and he closed the hearing.

8. ITEMS FOR ACTION

Consideration and possible approval of Proposed Fiscal Year Budget 2011-2012.

Council Member Montoya moved to approve the proposed fiscal budget.
Council Member Reuter seconded the motion. All were in favor.

Re-Vote on Consideration and possible approval of \$1,000 maximum for the coordination of reception and related activities for the Arizona Department of Transportation Board meeting in Tusayan on August 18, 2011.

Council Member Montoya moved to approve the \$1000 maximum for reception and related activities for the ADOT board meeting.
Council Member Reuter seconded the motion.

Mayor Bryan abstained as he is the GM for the Squire, and according to him, he should have recused himself the first time. The remaining four were in favor.

Consideration and possible approval of a location of a reception for the Arizona Department of Transportation Board prior to their meeting in Tusayan on August 18, 2011.

Council Member Blasi moved to approve the location for the ADOT board reception to be at the Squire Inn.

Council Member Montoya seconded the motion.

Mayor Bryan abstained, as he is the GM for the Squire. The remaining four were in favor

8. ITEMS FOR DISCUSSION

Code Enforcement Program by Willdan Engineering

Town Manager Ochoa stated a need for a hearing officer in the near future. He is looking for someone with adjudication or administrative law experience. The Town Attorney will be asked if there is a conflict for the Town Clerk to be the hearing officer.

Update on the Office Modular Fabrication and Installation

There continues to be problems with the site work and it has delayed the delivery of the Modular by a week or two. Town Manager Ochoa, when asked when the first meeting could be held in the new building, responded that possibly mid-August. Councilman Reuter said that he thought it would be September.

Furniture and Equipment cost forecast for new Town Hall Modular

The Town Manager distributed research done by Debra Garver and requested

that the Council pick their top 3 favorites and forward those to him.
Strategic Plan Development Retreat Tentative Dates and Locations

The Town Manager has received a couple of proposals for the retreat, but both were expensive. He said he would continue looking. It is still on for August 10.

9. TOWN MANAGER'S AND STAFF REPORTS

The Town Manager and the Town Clerk attended an Elections Training and found it very valuable. Town Clerk Sutton commented on the preciseness of election law.

10. SET AGENDA AND ACTION ITEMS FOR NEXT MEETING

Various items were suggested for the next agenda for the August 3 Council Meeting.

11. COUNCIL MEMBERS' REPORTS

Councilmember Reuter had nothing to report.

Councilmember Blasi spoke on his concern of the misconceptions in Town. "This information (regarding the fire) was erroneous. I believe that someone was eaves dropping at our last executive session. We are going to increase security so that doesn't happen again."

Vice-Mayor Maniaci expressed that the evening was a great exercise in democracy and wish attendance could be like this all the time.

Councilmember Montoya had nothing to report.

12. MAYOR'S REPORT

Mayor Bryan reported that he had been notified that the development agreement has been completed and will be put on the website for public viewing. As Tusayan is a new Town, mistakes will be made but the goal is to build a structure that lasts. He asked the Council to stay focused on the big picture and remain committed to listening and acting with integrity and transparency.

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

Councilmember Montoya moved to move into the executive session.

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

The Council moved to go into Executive Session at 7:29 pm after a 5 minute recess.

The Council may wish to go into Executive Session pursuant to A.R.S. Section A.R.S. 38-431.03.A.3 for discussion and consultation with the Town Attorney in order to receive legal advice and to give directions concerning the following:

The Council may wish to go into Executive Session pursuant to A.R.S. Section 38-431.03.A.3 and A.4 for discussion and consultation with the Town Attorney in order to receive legal advice and to give directions concerning the negotiation of a pre-annexation and development agreement with the Stilo Group.

The executive session started at 7:40pm and returned to open session at 8:49 pm.

15. ADJOURNMENT OF REGULAR COUNCIL MEETING

Council Member Montoya moved to adjourn the meeting.

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

Meeting adjourned at 8:50pm.

Submitted and posted this 25th day of July, 2011 by

Bill Sutton
Tusayan Town Clerk