

## FINAL MINUTES

### TUSAYAN TOWN COUNCIL REGULAR MEETING

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

Wednesday, February 15, 2012 @ 6:00 P.M.

Best Western Squire Inn, Zuni Conference Room

74 State Route 64, Tusayan Arizona

### TOWN COUNCIL REGULAR MEETING MINUTES

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

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

#### 2. ROLL CALL

Upon roll call, the following were present:

**MAYOR BRYAN**

**COUNCILMEMBER MONTOYA**

**COUNCILMEMBER FITZGERALD**

**COUNCILMEMBER RUETER**

Also present: Town Manager Ochoa  
Assistant Town Clerk Garver  
Town Attorney (by phone)

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

No items were presented.

#### 4. CEREMONIAL AND INFORMATIONAL MATTERS

##### **Southwest Risk Pool: Mike Branham, Law Enforcement Manager**

Mike Branham has had over 38 years of government service and has helped other small towns in setting up police corrections agencies. The Council requested Mike to set up as workshop with information on the cost effectiveness and sustainability of a police department.

#### 5. CONSENT AGENDA

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

- i. Acceptance of the Finance Report  
The Council requested that they receive a year to date of expenditures once a month.  
Council Member Montoya moved to approve the finance report.  
Council Member Fitzgerald seconded the motion. All were in favor. Motion passed.
- ii. Approval of the Payment of Bills
- iii. Approval of Minutes

- a) January 25, 2012 Special Meeting and Workshop
- b) February 1, 2012 Special Meeting Interviews for P&Z
- c) February 1, 2012 Regular Meeting

Council Member Rueter moved to approve the payment of bills and the approval of minutes for 1/25/12, 2/1/12 Special Meeting & 2/1/12 Regular Meeting.

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

## **6. COMMITTEE REPORTS**

No Committee reports were presented.

## **7. ACTION ITEMS**

### **A. Consideration, discussion and possible approval of a process and/or possible appointment of an individual to fill the vacancy on the Tusayan Town Council resulting from the resignation of Vice Mayor and Council Member Cecily Maniaci.**

Town Attorney Sims advised the Council that they had 3 choices:

- Fill the position with anyone until the next election – which is the recall
- Leave it vacant.
- Appoint the person who is on the ballot and then appoint again after he wins the recall.

This person would serve the balance of the term. No one submitted paperwork for a write in.

Council Member Montoya moved to appoint the individual on the recall ballot, Craig Sanderson, to fill the vacancy on the Council.

Council Member Rueter seconded the motion. All were in favor. Motion passed. Mayor Bryan swore in Craig Sanderson and he took a seat at the table.

### **B. Consideration, discussion and possible approval of the appointment of a new Vice-Mayor.**

The Mayor moved to appoint Council Member Montoya as Vice Mayor.

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

### **C. Consideration, discussion and possible approval of a process and/or the appointment of individuals to the Town of Tusayan Board of Adjustments.**

The Town Manager put both options of a Board of Adjustments or a Hearing Officer on the agenda. The Council can serve as the Board as it could be difficult in locating another set of people who want to serve.

No action was taken.

### **D. Consideration, discussion and possible approval of a process and/or the appointment of an individual to be the Hearing Officer for the Town of Tusayan.**

The Town Attorney recommended that the Council appoint a Hearing Officer.

The Town Manager has a resume of an individual who currently works for Youngtown. He will review more and give his recommendation at the next meeting.

Council Member Rueter moved to approve for the process to be started to appoint and individual to be the Hearing Officer.  
Vice Mayor Montoya seconded the motion.

Council Member Rueter would like to hire someone immediately on an interim level.  
All were in favor. Motion passed.

- E. Consideration, discussion and possible approval of an IGA- Intergovernmental Agreement for Judicial Services with Coconino County.**  
The Town Attorney had made some minor changes which provided protection to the County.

Vice Mayor Montoya moved to approve the IGA for Judicial Services with Coconino County.  
Council Member Rueter seconded the motion.

The County will use their facilities and the Town will need to provide a copy of the Town Codes that have criminal penalties. The Town Manager will come back with towns that are similar for the Council's review. There will be no animal control and the P&Z violations will go through staff.

Council Member Sanderson abstained from voting as he has not had time to review the IGA. All other Council Members were in favor. Motion passed with a 4-0 vote, 1 abstention.

- F. Consideration, discussion and possible approval of authorization for Town Manager to solicit bids for housing modular/s for staff housing and to enter into agreements with ADOT for lot rentals.**

ADOT is willing to rent spaces for 15¢ per square foot, which would include the yard and structure, but not parking.

Council Member Rueter moved to approve the authorization for the Town Manager to solicit bids for housing modular/s for staff housing and to enter into an agreement with ADOT for lot rentals.

Council Member Fitzgerald seconded the motion.

The Town Manager is to solicit bids for housing and the Mayor requested that a Council Member work with him in choosing types of housing. An estimate of how long it will take is needed.

All were in favor. The motion passed.

- G. Consideration, discussion and possible approval of authorization for the Mayor and/or Town Manager to represent the position of the Town Council in support of the following legislation: HB 2771 and HB 2475.**

HB 2771 – all HURF funds diverted since 2000 would be tracked and work on a method to repay the towns & cities.

HB 2475 – would elevate towns & cities from being responsible for full contribution of a retired employee.

Council Member Rueter moved to approve the Mayor to represent the position of the Town Council in support of the legislation listed above.

Council Member Fitzgerald seconded the motion. All were in favor. Motion passed.

**H. Consideration, discussion and possible approval of authorization for the Mayor and/or Town Manager to represent the position of the Town Council in opposition of the following legislation: HB 2815, HB 2826, HB 2570 and SB 1319.**

HB 2815 – Allows anyone to challenge a rule or a guideline and it was placed in a jobs package.

HB 2826 – Would combine all elections for every 2 years and in the fall.

HB 2570 – Would delay a Council's ability to delay action until it has been read 3 times.

SB 1319 – Would allow ACC to regulate municipal water systems that serve outside their corporate borders.

Council Member Rueter moved to approve the authorization for the Mayor to represent the position of the Town Council in opposition to the legislation listed above.

Council Member Fitzgerald seconded the motion. All were in favor. Motion passed.

**8. DISCUSSION ITEMS**

**A. Zoning Code and Design Review Overlay Revision Workshop Update Plan and Timeline for Adoption**

The workshop is on 2/22/12 at 5:00pm and will review the final revisions to the zoning codes. The Council & P&Z will need to give their input on CUP's and permitted uses. The Council will then begin reviewing the DRO. The Council will send the Zoning Codes to the P&Z Committee for their public hearings and recommendations.

**B. Council Policies and Procedures Workshop, Plan and Timeline**

The meeting is scheduled for 2/23 at 5:00pm. Mayor Bryan said it had been suggested a couple of meetings per week as there has been so many additional meetings rather than having special meetings every week.

**C. Liquor License Process and Procedures Plan**

The Town Manager sent out an outline to the Council and there should be samples to go along with the steps during the next report.

**D. Broadband/Internet Update from C Link, ATT, other Companies**

CenturyLink is unresponsive to a solution as it is costly to install. There is current legislation that would allow ADOT to lay conduit along highways or allow vendors to lay conduit in the right away. The Town may need to lay aside money for the next several years to address this problem. Council Member Rueter would like to see fiber laid as wireless broadband would only address the problem temporarily as the need for use increases.

**E. Budget Update; Town Modular Budgeted/Actual Expenses/Projected**

The Town Hall is 99% done and the punch list is being worked on. The Council is within the parameters of what was budgeted.

**F. Report on Activity for Town/School Park; current and projected**

Pete Shearer would like to see a meeting to ensure all are on the same page. The Town has received a design bill and it has been forwarded to the Financial Consultant. Council Member Rueter will be the liaison for this project and he looks forward to kids playing basketball and hopefully soon some baseball.

**9. TOWN MANAGER'S REPORT**

**A. Community Activities**

**B. Professional Activities**

Finance classes 2/16 & 2/17 – Town Manager and Council Member Fitzgerald may attend.

**C. Report on CUP transfer from Coconino County to Town of Tusayan**

The process has been started. Town Manager Ochoa contracted individuals to copy the CUPS. The schedule for copying is dependent on the County. One file was 60% copied and it took all day.

**E. Airport Property Rental for Town Employee Housing Plan**

**F. Town Hall Modular and Parking Lot Progress**

Universal Mechanics will be setting logs in the next couple of weeks to guide traffic through the parking lot.

**10. SET ADDITIONAL ACTION ITEMS FOR NEXT REGULAR MEETING**

No Action Items suggested.

**11. SET ADDITIONAL DISCUSSION ITEMS FOR NEXT REGULAR MEETING**

Broadband update – CJR

Sheriff Report – VMAM

Hearing Report – VMAM

Risk Pool Workshop & Law Enforcement update – VMAM

Budget Expenses vs. Expenditures – VMAM

School Park update – VMAM

Budget Process Plan – CBF

Schedule for Budget Workshops – TMEMO

Town Hall Report – MGB

Liquor License Hearing - MGB

**12. COUNCIL MEMBERS' REPORTS**

No reports were given.

**13. MAYOR'S REPORT**

Mayor Bryan attended a GAMMA meeting by phone and a NACOG meeting on 2/2 about economic development for the Tusayan area as well as broadband information. The AZ Office of Tourism advised the Town that 21 people from Eurasia will be here for a visit 2/23 to research how Tusayan operates and markets the tourism industry.

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

Vice Mayor Montoya moved to adjourn into executive session after a short break.

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

Council took a break at 8:21pm and adjourned into executive session at 8:32pm.

Council Member Rueter and Council Member Fitzgerald remained only for the discussion on the ethics initiative and then recused themselves from the other two topics. Council Member Rueter recused himself because of his employment with Camper Village. Council Member Fitzgerald recused himself because of his conflict of interest with the Stilo development.

**Legal Advice re the following:**

**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 the Town Attorney instruction concerning:**

- A. The Stilo Lawsuit on referenda**
- B. The Ethics Initiative**
- C. Notice of Stay for Camper Village models.**

Vice Mayor Montoya moved to adjourn back into open session.

Council Member Sanderson seconded the motion. All were in favor. Motion passed.

Council adjourned back into open session at 9:05pm.

**15. MOTION TO ADJOURN**

Vice Mayor Montoya moved to adjourn the meeting.

Council Member Sanderson seconded the motion. All were in favor. Motion passed.

Meeting adjourned at 9:06pm.

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**ATTEST:** On this date, March \_\_\_\_\_, 2012.

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Enrique Medina Ochoa, Town Manager

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Greg Bryan, Town Mayor

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Bill Sutton, Town Clerk