

FINAL
TUSAYAN TOWN COUNCIL REGULAR MEETING
PURSUANT TO A.R.S. § 38-431.02 & §38-431.03
Wednesday, March 7, 2012 @ 6:00 P.M.
TUSAYAN TOWN HALL BLDG
845 Mustang Drive, Tusayan Arizona

TOWN COUNCIL REGULAR MEETING MINUTES

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Mayor called the meeting to order at 6:03pm and the Pledge of Allegiance was recited.

2. ROLL CALL

Upon roll call, the following were present:

MAYOR BRYAN
VICE MAYOR MONTOYA

COUNCILMEMBER FITZGERALD
COUNCILMEMBER RUETER - absent
COUNCILMEMBER SANDERSON

Also present: Town Manager Ochoa
Town Clerk Sutton
Assistant Clerk Garver

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

Sharyl Allen thanked the Council for all the support they have given towards the school. She said that the District has signed a cash donation agreement with Stilo Group. The results have been positive. She particularly wanted to thank former Vice Mayor Maniaci as she encouraged Sharyl to "ask for more... the kids need it and deserve it." Former Vice Mayor Maniaci is a champion of education and has done a lot for our little district.

John Thurston requested that the meetings be videotaped and put on line. He also mentioned that he felt that the Council had too many executive sessions.

4. CEREMONIAL AND INFORMATIONAL MATTERS

No ceremonial and informational matters were presented.

5. CONSENT AGENDA

A. Consideration and possible approval of Administrative/Treasurer's Report

- i. Acceptance of the Finance Report
- iii. Approval of Minutes
 - a) February 8, 2012 Special Meeting
 - b) February 8, 2012 Special Meeting and Workshop
 - c) February 15, 2012 Regular Meeting
 - d) February 22, 2012 Special Meeting
 - e) February 22, 2012 Workshop on Zoning Ordinances

f) February 23, 2012 Workshop on Policies and Procedures
Councilmember Fitzgerald requested that the Hinton Burton payment be removed from the Consent Agenda for discussion.
Vice Mayor Montoya moved to accept the Finance Report (except the Hinton Burton payment) and approve the minutes as presented.
Council Member Fitzgerald seconded the motion. All were in favor. Motion passed.

- ii. Approval of the Payment of Bills
Council Member Fitzgerald asked if all work was completed by Hinton Burdick as there is a payment. A draft was sent and all should be completed in 2 weeks' time.
Council Member Fitzgerald moved to approve the payment of bills.
Vice Mayor Montoya seconded the motion. All were in favor. Motion passed.

6. COMMITTEE REPORTS

No committee reports were presented.

7. HEARINGS

A. Plaza Bonita

1) Reconsideration of Liquor License Request by Owners of Proposed Plaza Bonita Restaurant in Tusayan, Arizona

- a) **Open Public Hearing** – Hearing opened at 6:13pm
- b) **Staff Update on Permit and Application Status** – Attorney Charles Huellmantel (by telephone) reminded the Council that they had previously voted against the liquor license request as there were several issues and the applicant had not complied with requested information. The applicant has gotten new counsel and have answered all concerns. As a result, Mr. Huellmantel recommends that the Council reconsider their vote as the applicant is working to comply with the Town's laws.
- c) **Presentation by the Applicant** – no applicant presentation
- d) **Public Comment** – no public comments were made.
- e) **Close the Hearing** – Hearing closed at 6:17pm

B. Wild West Experience

2) Consideration of Liquor License Request by Randy Nations for use in the Wild West Experience Restaurant

- a) **Open Public Hearing** – Hearing opened at 6:18pm.
- b) **Staff Report** - Attorney Charles Huellmantel (by telephone) stated that Randy Nations, the agent, has several different licenses and Mr. Huellmantel personally knows him as he has come before the Liquor Board. Mr. Huellmantel recommended the Council approve the applicant's request.
- c) **Presentation by the Applicant** – A letter from the applicant, Rhonda Perez (on behalf of Agent Randy Nations), was read into record.

- d) **Public Comment** – John Thurston asked if all permits had been applied for and he had not seen it mentioned at the meetings. Mayor Bryan indicated that they were in compliance and the permits are not part of the Town Council's agenda.
- e) **Close the Hearing** – Hearing closed at 6:24pm.

8. ACTION ITEMS

A. Consideration, discussion and possible approval of Liquor License Request by Owners of the Proposed Plaza Bonita Restaurant in Tusayan, Arizona.

Mr. Huellmantel confirmed that the two major issues that held up the Council's approval had been taken care of. He had contacted the Liquor Department to hold off on presenting it to the Board as the applicant indicated that they were working to meet the Town's requirements. Due to Liquor Department's mistake of sending the application to the County, the timeline had been thrown off.

Mayor Bryan moved to approve the reconsideration and approval of the Liquor License Request for Plaza Bonita Restaurant.

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

B. Consideration, discussion and possible approval of Liquor License Request by Randy Nations for use in the Wild West Experience Restaurant in Tusayan, Arizona

Mr. Huellmantel recommended the approval of the applicant and that they had met all the requirements.

Council Member Sanderson moved to approve the Liquor License Request by Randy Nation for Wild West Experience Restaurant.

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

C. Consideration, discussion and possible approval of a Professional Consulting Services Agreement with Joan Jacobs & Associates, with specific committed services by Mr. Ray Jacobs to render Zoning Hearing Officer Services and other related services as assigned by the Town Manager.

Vice Mayor Montoya moved to approve the professional consulting services agreement with Ray Jacobs to render zoning hearing officer services.

Council Member Fitzgerald seconded the motion.

The records and hearing will be held in the Town Hall. Mr. Jacobs will help in setting up services and will only be in town when there are actual hearings.

All were in favor. Motion passed.

9. DISCUSSION ITEMS

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

Cameron Carter, Rose Law Firm, had attended the recent workshop. He advised the Council of the importance to have a design review overlay as it regulates the design for the town. If none is in place, there would not be any citizen, Council or Commission review.

The Mayor stated that the Council and Commission came to an agreement that, for the time being, they will continue to work together as it brings clarity and support on the zoning issues. Once handed over to the commission, they will hold a public hearing for the Town's comments. The next workshop will be held on April 3 at 5:00pm. He also asked the Town Manager to set up a time for the commission to meet and choose a chairman and possibly replace a vacancy.

B. Council Policies and Procedures Workshop, Plan and Timeline

The workshop will be at 5:00pm on March 8.

C. Liquor License Process and Procedures Plan

Town Manager Ochoa will be meeting with Mr. Huellmantel on March 9 at 3:00pm in Phoenix to go over the manual. Mr. Ochoa will present it to the Council at the next regular meeting. As the applicant is required to receive a copy of the manual, it was recommended if a digital format copy can be given instead of a binder. Councilmember Fitzgerald reported that there is a new state law, and that the Town needs to provide applicants with information up front; that everything needed to be provided then. Councilmember Montoya inquired whether this information could be provided in digital format.

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

The Mayor said that there are now two different groups, C Link and CommNet, who are now working to provide internet/broadband service to the town. CommNet has been more than willing to research and are scheduled to get back to the Town by April 1st and give the Town different options. They are not interested in the retail side and the Town may have to take it over or have new business do it. C-Link has been dragging their feet until the Mayor met a VP In DC. A meeting has now been scheduled for next week. Vice Mayor suggested that if cable is brought in, it could be very lucrative.

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

The Town modular budget has not changed much since the last meeting. There is a final payment to Trowtier. The Mayor introduced Judi Beckerleg, Financial Consultant, has been working to make sure the codes match the budget and is working towards finalizing. There is \$20,000 owed to Wildan but the Town is still waiting for proper documentation.

F. Town Budget of Expenses versus Expenditures

Reviewed already

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

There will be a meeting with Superintendent Allen on March 14 at 4pm. Council Member Rueter and Vice Mayor Montoya are the Council's liaisons and are planning on attending.

H. Reclaimed Water Use Requirements and

I. Plastic Drink/Water Bottle Ban

It was suggested that the Town follow the Park's lead and restrict the sale of water bottles and to require any new developments to participate in

reclaiming water. The Park provides free water at all stations to refill larger bottles. More information is needed.

J. Town Hall Forums for Community Discussions

Council Member Fitzgerald has suggested that Town Hall Forums would be a good way for the public to find out what is going on in the Town in a less restrictive format. The Mayor requested that Council Member Fitzgerald pursue and develop the forums and bring back to Council his ideas. It was agreed that they should be topic oriented rather than open "mic."

10. TOWN MANAGER'S REPORT

A. Community Activities

The Town Manager has been limited to attending Rotary meetings. He suggested that a reader board be set up outside of the Town Hall so that the a schedule of activities could be posted as well as posting agendas

B. Professional Activities

The League of Cities is holding a class on Open Meeting Laws.

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

The Camper Village CUPS have finished being copied. There are 4 or 5 other large files that still need to be done. The Town Manager is planning on having a viewing room for the public to view and well as putting them on line.

D. Town Clerk Report on Hearing for Referendum

There is a preliminary injunction on the May Election. It has been appealed to the Supreme Court and it will have to be expedited as the ballots will need to be printed if overturned.

E. Sheriff's Report

They will report in the near future.

F. Southwest Risk Pool Workshop and Law Enforcement Plan Update

The Council is interested in holding a workshop with Southwest Risk Pool so that they can provide a variety of options to develop a Town police department or alternative law enforcement program.

G. Employee Housing Property Rental at the Airport

A map done by the surveyor has been forwarded to the Council indicating the lot locations. Two of the sites have lots of work to be done and the other two are closer to utilities.

H. Budget Process Plan and Scheduling

The Town Manager is working on scheduling this.

I. Town Clerk Recruitment and Hiring Plan

The position has been advertised in the newspaper, at the AZ Clerk Association and at the AZ League of Cities and Towns. In the interim, there are some individuals who can help with some parts of the job. The Town Manager is identifying someone who has previous Clerk knowledge.

John Thurston thanked Town Clerk Sutton for his work.

Clarinda Vail thanked the Town Clerk for being impartial and appreciated that it was a difficult job to do.

Town Clerk Sutton said that he has appreciated the opportunity and he was honored to work for the Town. He recently started a business and no longer was able to do the Clerk's responsibilities. He commended the Council for all that they do, the time invested and it was an honor to work

for them. He hoped that when all was said and done, that Tusayan becomes a family. He maybe available to help out as the magistrate and setting it up and would be staying on as a consultant.

The Mayor thanked the Clerk for his consistent voice of reason and his perspective from years of wisdom. Sutton also commended Assistant Debi Garver and said that he couldn't have done the job without her. "She has attention to detail and is very administrative minded. I recommend her as Clerk or as an Administrative Assistant with the Town."

11. SET ADDITIONAL ACTION ITEMS FOR NEXT REGULAR MEETING

No specific action items were set

12. SET ADDITIONAL DISCUSSION ITEMS FOR NEXT REGULAR MEETING

Liquor License Process Report – GMB

Sheriff Report – VMM

Update on Town Clerk Recruitment – VMM

Financial Budget Comparison (separate from Consent agenda) – GMB

Update on School park – VMM

Water/ACC report – CBF

Southwest Risk Workshop – CCS

Hearing Officer Report – VMM

Budget Process Update – GMB

IGA Judicial report -

13. COUNCIL MEMBERS' REPORTS

No reports were presented

14. MAYOR'S REPORT

The Mayor attended a GAMA meeting in Phoenix on Monday. There was discussion on House and Senate Bills. He asked the Town Council and the public to contact their legislators on HB 2826, HB 2815 and SB1505.

The Mayor spoke to a company he had met with years ago during the Incorporation Task Force work on how to build affordable housing. They are willing to share with the Council the process they went through.

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

The Council did not go into executive session.

Legal Advice re the following:

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

17. 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 8:07pm.

ATTEST: On this date, March _____, 2012.

Town Clerk