

DRAFT MINUTES
TUSAYAN TOWN COUNCIL REGULAR COUNCIL MEETING

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

September 21, 2011 @ 6:00 P.M.

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

TOWN COUNCIL REGULAR MEETING DRAFT 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 MONTOYA
COUNCILMEMBER RUETER

Also present: Town Manager Ochoa
Town Assistant 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

Ariel Leonard of the U.S. National Forest Service did a presentation on the Kaibab National Forest Plan Revision. They will be releasing a proposed Land and Resources Management Plan and accompanying Draft Environmental Impact Statement for a 90-day public comment period. This general forest plan would be in affect for the next ten to fifteen years and the current plan is twenty-two years old. Kaibab conducted an Analysis of the Management Situation that identified four priority needs for change to the Forest Plan:

Restore the stand structure, density and fire frequency to fire-adapted forests.

Promote aspen regeneration and establishment that has been in decline across the southwest.

Restore the historic extent of grasslands and improve grassland habitats

Protect and restore springs and ephemeral wetlands, which are important centers of biological diversity in arid landscapes.

Mayor Bryan asked if there were any Biomass production in the Tusayan area and Ariel replied that there was none. Council Member Montoya asked if the Travel Management Plan is a part of this Forest Plan and it was answered that they are separate plans.

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

6. COMMITTEE REPORTS

No Committee Reports were presented.

7. PUBLIC HEARING CONTINUATION

Open Public Hearing

Case #ANN2011-08-05-001 Annexation of Ten X and Surrounding Properties

Request of Stilo Development Group USA, LP for an **annexation of approximately 5,637.5 acres** of land to include the Ten X Ranch property and surrounding properties into the incorporated boundaries of the Town of Tusayan.

Take Testimony

Mayor Bryan opened the continuation of the Public hearings. Council Member Reuter recused himself as he is employed by Camper Village. Town Manager Ochoa announced that the annexation map was on the wall. He also said the notice of annexation and map was posted at the entrance of the annexation site.

Marjorie Woodruff spoke on being a native of Arizona and can recall when she moved here as a young child that they would haul their water from Phoenix, Arizona. She is concerned about there being enough water. Marjorie has also worked in resort towns and is concerned about Tusayan going the way of resort towns where housing becomes to expensive for workers and town folks.

Carletta Tilousi of the Havasupai Tribal Council spoke and said that the tribe was concerned that they had not been consulted about the annexation and wished to be a part of the discussions in the future. The Tribal Council had recently walked the proposed annexation site and discovered that there were archeological sites, sweat lodges, and the location was where herbs and blue paint were gathered. The Tribal Council had concerns about ground water and that they recently had received water rights from the Federal Government. She was against the annexation.

Tim Uqualla of the Havasupai Tribal Council also spoke against the annexation. He felt that there needed to be more studies on where the water would come from and that it would not conflict with the streams below. He had been born in the area and had grown up here. He stated that he did not like coming to the area as it was not natural and he was concerned that the annexation would create more growth. The burial site, old homesteads and sweat lodges needed to be preserved. Let the land be the way it is.

Aaron Hall, attorney for Red Feather Properties, stated that the annexation would create environmental harm and limit access to hunting grounds. Once the annexation was voted on, it could not be undone. The developers were required to meet benchmarks and all the proposed plans could be undone, in the development phase. But the annexation portion could not be undone. The Town would continue to be responsible for all services to the area whether it was developed or not. He requested an additional continuance on the public hearings.

Tusayan Fire Department Chief Robert Evans repeated the Fire Departments mission statement. He was concerned about the lack of fire protection to the area initially. Chief Evans encouraged the Town Council to require that any commercial structures have sprinkler and alarm systems. He stated that the parcels being annexed were outside the District's boundaries, and they had not been contacted by the developer regarding providing services in the proposed area. Currently the Fire Department does provide protection below the Town boundaries, but he felt that it could put a strain on their department to add more.

Don Watahomigie, of the Havasupai Tribal Council, reminded the Town that in 1975 the area surrounding Tusayan was identified as Havasupai country. He had also grown up in the area and was concerned about where the water was coming from. Animals use the springs below and most specifically the Big Horn Sheep. He encouraged the Council to keep things in balance.

Kris Thurston stated that he did not think that the Council has acted as good neighbors. The 5000 acres that the annexation would add to the town was being mostly done so that the developers could make a ton of money. He did not think that it was morally or ethically right for this annexation to take place.

The Mayor closed the public hearing at 6:38

Councilmember Reuter re-joined the Council.

8. 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 said that the position had been advertised in the paper and that currently only one person had put in a letter of intent. He requested that a time be extended so that others could apply. The Vice Mayor stated that she was disappointed that there had not been a lot of response and encouraged the public to step up and be a part. Council Member Reuter stated that he wanted the position filled in thirty days. Council Member Montoya said that he knew of a couple of people who were interested but were verifying if there would be a job conflict. The Council will be accepting letters of interest for the next two weeks and will fill it by October 21, 2011. The Town Manager is to place ads in the paper.

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

Town Manager Ochoa told the Council that if it was adopted, it would be in affect immediately.

Aaron Hall, attorney for Red Feather Properties, stated that he had just received the code and had not had time to review it. In quick preview, he thought that there were not teeth to it and that it needed an additional group to oversee it. And as there was an Ethics Initiative for the March election, he requested that no action be taken until further review.

Clarinda Vail said that she had been given the impression that she would get to preview the Council's code and had not received one until jus recently and it seemed that it had been accidentally forwarded. In her quick review, she felt that

the code as well as the initiative had merit and that the public needed time to digest it.

Council Member Montoya asked if the initiative were to pass in March, would it replace this code if it were adopted. The answer was yes, the initiative would replace the code.

Vice Mayor Maniaci requested that there be a continuation so that the public could have more input.

Council Member Reuter stated that he was in favor of approving the code but agreed that it could be continued to the next Council meeting and requested that it be placed on the agenda.

Mayor Bryan requested that this version be placed on the website, and the matter would be placed on a future agenda.

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

Town Manager stated that if the Council adopted the Enforcement Codes, it would replace the current codes.

Aaron Hall, attorney for Red Feather Properties, stated that this was the first time anyone had seen this document and the public had not had time review them.

Clarinda Vail asked if this needed to be a resolution and wanted to know if there could be a ethics violation if any that were listed on the Enforcement Code were to enforce it.

Town Manager Ochoa reassured the Council and the Mayor that they could approve the codes without it being a resolution. A resolution was a more formal and had greater detail. There would be no penalty if the Enforcement Codes were adopted as is.

Council Member Montoya stated that he was uncomfortable with the list of officials who were listed as enforcers. Council Members were one of them and he did not want to be on it. He requested a continuance, as he was not prepared to go through it.

Vice Mayor Maniaci and Council Member Reuter agreed that it needed to be continued to the next meeting.

Mayor Bryan asked that the matter be moved to the next meeting.

Consideration and possible approval of a Memorandum of Understanding between the Town of Tusayan and the Grand Canyon School District regarding joint funding, construction, use and management of a community park on school property in the Town of Tusayan.

Town Manager Ochoa requested that the Council allow him to develop a memorandum of understanding with the Grand Canyon School District in reference to the community park.

Superintendent Sharyl Allen said that a Master Plan had been developed and that the next step was for developers to be able to move the dirt into place. The school

district had contacted their insurance company and that their insurance was based upon student enrollment and they were not sure how to cover this type of project. The cost of the plans would be \$18,800.

Mayor Bryan said that he had spoken to FANN Construction and that they were willing to make a deal as there would be no fees to bring the equipment as long it was done in a timely manner. The Rotary would also share some of the cost of the Ramada. As this was a joint project with the School District, that the laws governing the bidding process were different and could shorten the time frame.

Town Manager Ochoa reminded the Council that they had allocated an amount of money in the budget for this project under the Parks and Recreation Department. He requested that he be able to spend some of the funds.

Vice Mayor Maniaci gave her approval on moving forward.

Council Member Reuter requested that the Town Manager move ahead so that FANN could move the dirt but desired an immediate MOU so that costs could be contained.

Mayor Bryan requested that the Superintendent have the Town be removed from the contract and it be replaced with the School District. as they were the landowners. He requested that the Town Manager work with the Town Attorney so that the Town was operating in a legal manner.

Vice Mayor Maniaci moved to allow the expenditure of up to \$25,000 for the community park.

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

Consideration and possible approval of an amendment to the current agreement between the Town of Tusayan and the Town Manager regarding work performed from April 4, 2011 to September 30, 2011, & future employ.

The Town Manager recommended that the amendment to the current agreement between the Town of Tusayan and the Town Manager be approved.

Vice Mayor Maniaci moved to approve the recommendation and the amendment to the contract.

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

9. ITEMS FOR DISCUSSION

Housing Committee Charge

The Town Manager and the Mayor had met with the Chairman of the Housing Committee. It was relayed that the committee was frustrated with the inactivity but it fell dormant due to NACOG. The committee's work was somewhat predicated on the Town receiving land. It was up to Council on whether to give the committee another mission, disband it or to ask it to stand ready until some work came available.

Vice Mayor Maniaci asked for the committee to stand ready. Council Member Montoya agreed with her.

John Dillon of the Housing Committee said that there were three of the members, including himself present, and all three acknowledged that they would be ready if the need arose for their services. Dillon also pointed out that there are three or four vacancies on the Committee, and that more help would be needed when there was work to be done.

Update on Branding Study

Julie Aldaz of the Chamber Visitor's Bureau stated that they were in the final phase of the study. Local businesses would be requested to give out contact information of the tour businesses. Also, some hoteliers were not giving the email addresses of their clientele, as there were some concerns about confidentiality. They were preparing to do a presentation at the next Council meeting.

Update on Marketing Partnership Strategies

Update on Town Hall Modular Unit

Town Manager Ochoa said that the State had received the request for the permit to move the Town Hall Modular on September 7, 2011. He was told that it would take up to three weeks to receive it.

10. TOWN MANAGER'S AND STAFF REPORTS

No reports were given.

11. SET AGENDA AND ACTION ITEMS FOR NEXT MEETING

Various items were suggested for the next Council meeting.

12. COUNCIL MEMBERS' REPORTS

Council Member Montoya stated that FANN Construction had taken out the Internet and phone service by accidentally cutting a line, but that Century Link had taken care of it in about four hours.

Council Member Reuter stated that two or three inches of dirt makes a difference and that what the Town was experiencing was typical during construction. He said that Fann has done well.

Vice Mayor Maniaci did not report anything

13. MAYOR'S REPORT

Mayor Bryan encouraged the public to step up and be a part of the Council. To serve and understand why things go as slow as they do.

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

Council Member Montoya moved to move into executive session at 7:42pm following a recess.

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

The Council moved into executive session at 7:48pm.

Council Member Reuter recused himself prior to discussion on Executive Session Items A. & B 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 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 concerning correspondence from the Coconino County Attorney's Office regarding alleged violation of Tusayan Town Ordinance 2010-09-08-02.

Council Member Montoya moved to end Executive Session at 8:26pm and return to open session.

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

The Executive Session ended at 8:26 pm and returned to Open Session at 8:27pm.

Town Attorney Bill Sims was present by speaker-phone. He stated that he was to give legal advice regarding the alleged violation of the Fire Ordinance. He said that he has received a letter from the Coconino County Attorney's office stating that the matter would be returned back to the Town of Tusayan because there is no IGA in place for criminal Town Code violations. "I have reviewed the report, and acknowledge that there was a violation of the Town's Fire Ordinance. When I look at the Ordinance, it includes language stating that it is a Class 1 Misdemeanor, which is criminal. Although there was a violation, we have no mechanism to enforce it at this time. First, we need to enter into a process to create an IGA for judicial services or for the Town to hire a magistrate. Second, there should be a new ordinance created and that it be clearly communicated to the public and that an option be made for special circumstances. At this time, my recommendation is that the investigation be concluded."

Councilmember Reuter recommended that the Council direct staff to improve the ordinance. All agreed. He also said that Council would want to work with Tusayan Fire Department.

15. ADJOURNMENT OF REGULAR COUNCIL MEETING

Council Member Montoya moved to adjourn the meeting.

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

Mayor Bryan concluded the meeting at 8:33 p.m.

Minutes emailed for posting at 9:15 a.m., on the 26th day of September, 2011

By Bill Sutton – Tusayan Town Clerk

