

DRAFT

TUSAYAN TOWN COUNCIL REGULAR MEETING

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

October 19, 2011 @ 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

Mayor Bryan called the meeting to order at 6:01pm. 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 Clerk Sutton
Office Assistant Garver
Town Planner Richard Turner

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

No public comments were made.

4. CEREMONIAL AND INFORMATIONAL MATTERS

No ceremonial and informational matters were presented.

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.
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

Council Member Montoya recused himself from discussion and vote due to his relationship with one of the applicants.

Clarinda Vail asked if the applicants had been asked if they had a criminal history. She also questioned whether it was legal to ask if the applicants would have any issues with confidentiality as the open meeting laws applied.

Council Member Rueter thanked all three applicants and cautioned those who were not chosen to be discouraged as there would need to be some appointments made to the P&Z Commission soon. Council Member Rueter said that he moved to appoint Bill Fitzgerald to fill the opening in the Council as Mr. Fitzgerald had attended most of the Council meetings. He seemed to be the most present and up to speed.

Vice Mayor Maniaci said that it was important for the candidate to know the territory and have enthusiasm for the Town Council and she saw it in Bill Fitzgerald.

Mayor Bryan said that Mr. Fitzgerald had been attending the meetings prior to the opening taking place and was in agreement that he would be the best candidate for the open Council position.

Council Member Rueter moved to appoint Bill Fitzgerald to fill the current vacancy on the Tusayan Town Council.

Mayor Bryan seconded the motion. All were in favor who could vote. Town Clerk and County Pro-Tem Judge Sutton swore in Bill Fitzgerald.

Council Member Montoya returned to the meeting. Council Member Fitzgerald took a seat at the Council table.

Consideration and possible approval of Resolution for Agreement with the Arizona State Retirement System and naming the Town Manager as the Authorized Agent of the Town of Tusayan, Arizona.

Council Member Maniaci asked if this was in line with the setting up the payroll system, Social Security and the Arizona retirement. Town Manager Ochoa said it was part of the development of the system so that the Town could have employees.

Council Member Fitzgerald asked if naming the Town Manager as the authorized agent of the Town would continue with the person or the office of the Town Manager. It is the office of the Town Manager.

Vice Mayor Maniaci moved to approve the resolution naming the Town Manager as the Authorized Agent of the Town of Tusayan.

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

Consideration and possible approval of a Plan for the Town of Tusayan, Arizona for Social Security Coverage starting October 1, 2011 and designating the Town Manager as the Authorized Agent of the Town of Tusayan, Arizona.

The Town Manager said that this went along with the prior item for action that the Council had just voted on and it was an additional action that needed to take place in order for the Town to continue towards creating a payroll system.

Council Member Montoya moved to accept the approval of the plan.

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

8. ITEMS FOR DISCUSSION

Update on Town Modular Office

The Town Manager updated the Council on the site preparation for the modular. He stated that there were several engineers working on it and it was quite complex but that some major hurdles had been removed. Century Link was scheduled to send out workers this week to get the cables into place and work is now on track with a possible move in date prior to Thanksgiving.

Council Member Rueter added that the cost of the site work had been adjusted down. He worked with Wildan and Woodson to modify the site plan slightly. It should be done today and the Town may need to put in a small change to the Arizona State of Manufactured Homes. There should be a pad with utilities dropped to it in the near future. The approach to the project, the sidewalks and parking will be done as weather permits and he was going to ask Fann to drop off millings for the final parking. The bill should be what was originally expected, around \$40,000 to \$60,000 and not \$188,000. There could be a separate bill with for some additional costs due to adjustments. Mayor Bryan thanked Rueter for his work.

Update regarding Hearing Officer for Code Enforcement

Town Clerk Sutton and Town Attorney Sims are working with the County to create an IGA. Mr. Turner said that a job description for the Hearing Officer could be developed and the position could be part time or a consultant. The Mayor asked if the search could be started while the Code Enforcement is being amended and he was told that it is possible.

Update regarding the Highway 64 Project

The Highway Project has put the project deadline further out and they are scheduled to be done by Thanksgiving. They will begin working 7 days a week next week. Their concrete supplier is having difficulties getting the proper concrete to finish the sidewalks and they cannot use another supplier as it would be different colors. Council Member Rueter said that the relocation of a fire hydrant will cause the water to be shut off tonight from 11pm to 2am for any properties located North of Conoco. There will be water shut off that will impact the entire town in the next two weeks as they will be laying water lines which will take 3-4 hours.

Update regarding Planning and Zoning Complaints and Process

Richard Turner outlined the violation case process for code enforcement. The objective is compliance with the Zoning Ordinance in a reasonable amount of time, at minimal expense and with minimal adverse impacts to the alleged violator and those affected by the violation. The Zoning Enforcement Officer is the Town Zoning Administrator, which is mandated by law. The Town Manager holds this position. A Hearing Officer is appointed to hear the cases that cannot be resolved by the Zoning Enforcement Officer. The Zoning Enforcement Officer works with the alleged zoning violators to resolve violations – he has no authority to penalized alleged violations. The Hearing Officer may assess a fine on any alleged violator if found responsible for violating the provisions of the Zoning Ordinance, after a hearing has been held.

A zoning violation report is received. The Zoning Enforcement Officer does an

initial investigation and advises the alleged violator and/or property owner if the violation exists. A deadline is given to bring the property into compliance and if compliance is achieved, the case is closed. If the violation persists, a second notice is given with a 2 week deadline, but if the alleged violator is taking affirmative action to cure the violation, up to 30 days can be given. If the violation continues past the final deadline, a citation is issued by the Zoning Enforcement Officer and it moves to the realm of the Hearing Officer. The Ordinance allows for civil sanctions or fines should the alleged violator be found responsible for Ordinance violation as well as a provision for additional penalties should the same violation persist in the future. If any party is dissatisfied, they may apply to the Administrative Review by the Town Council. The Council can agree with the decision of the Hearing Officer, reverse the decision, agree in part and reverse in part or send the case back to the Hearing Officer for further proceedings.

Currently there is only one case. The complaint was filed in May regarding inadequate parking at a business in Town. The investigation is complicated by the death of the property owner, the building was rebuilt due to a fire, an unrecorded easement for off-site parking that expired, determination of the buildings' square footage, the ADOT development right-of-way, dealing with the son, the business operator, their attorney and the son's attorney. The official notice of violation was given on July 8, 2011. There was a request for more time to prepare a site plan showing a smaller building and parking layout and they were granted more time. The application for zoning adjustment was filed. The Town Attorney has indicated that the case could not go any further without the Town adopting an enforcement process and appointing a Hearing Officer.

Town Manager Ochoa said that there was another complaint that has been started, but some legal advice was needed.

Update regarding Code Review

Mr. Turner updated the Council on the code review. The Town has adopted the County Zoning Ordinance as its Zoning Ordinance. The problems that arise are that the County Zoning is based on Title 11 of the Statutes, not Title 9 which is for towns and cities. There are some differences in town zoning and county zoning – the protest area for towns is 150 feet rather than 300 feet and a special notice is required for towns when certain changes to land use regulations are proposed. He is done with making the changes needed to convert it from county zoning to town zoning. He requested that the document would benefit from additional staff review before it goes much further. Mayor Bryan asked if a public hearing would be required, and Mr. Turner said that there would need to be one. Mr. Turner said that Council has another work session.

Jack Hayes, who spoke as a member of the public, did some research as to why the County had placed a 25 acre requirement and has discovered no particular reason. He suggested that the line be dropped as he did not see any benefit with either the 10 acre minimum or 25 acre minimum. He reviewed Cottonwood's Zoning Code and discovered it was a well written document. He suggested that there be some review on the Code paragraph B 13.3.2. As it reads now, the developer's plan would not be in compliance and a change needs to be made. The original plan would fall under compliance with paragraph B but the current plan would not.

9. TOWN MANAGER'S AND STAFF REPORTS

Town Manager Ochoa said that the Town had recently hired a consultant to do the accounting for the Town. The auditors had suggested that QuickBooks be used and advised the Town on how it should be set up. The audit should be done by November 15th. The conversion into QuickBooks will make it easier.

10. SET AGENDA AND ACTION ITEMS FOR NEXT MEETING

Various items were suggested.

11. COUNCIL MEMBERS' REPORTS

Vice Mayor Maniaci said that she was glad to see a full Council and was excited to see what Council Member Fitzgerald would bring to the table.

Council Member Rueter thanked all the applicants again for coming forward.

Council Member Fitzgerald thanked the Council for asking him to be part of the team.

He said that he would be reviewing past meetings and bring back to the Council any items that had been set aside.

12. MAYOR'S REPORT

Mayor Bryan said that he was glad that Council Member Fitzgerald was on the board and that any members of the Council would be happy to help him get adjusted.

Mayor Bryan also warned Mr. Fitzgerald that he could speak to any of the Council members, but not two or more at a time. He also requested a new name plate for Council Member Fitzgerald. He encouraged the Council to continue communicating with the town's residents. He asked that the residents' would communicate their thoughts as sometimes the Council felt they were making decisions in a vacuum.

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

The Council did not adjourn into executive session.

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.

14. ADJOURNMENT OF REGULAR COUNCIL MEETING

Council Member Fitzgerald moved to adjourn the meeting.

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

The meeting adjourned at 7:33pm.