

## AGENDA

### TUSAYAN TOWN COUNCIL REGULAR MEETING

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

Wednesday, November 20, 2013 at 6:00pm

TUSAYAN TOWN HALL BUILDING

845 Mustang Drive, Tusayan Arizona

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Tusayan Town Council and to the general public that the Tusayan Town council will hold a meeting open to the public on Wednesday, November 20, 2013 at the Tusayan Town Hall Building. If authorized by a majority vote of the Tusayan Town Council, an executive session may be held immediately after the vote and will not be open to the public. The Council may vote to go into executive session pursuant to A.R.S. § 38-431.03.A.3 for legal advice concerning any matter on the agenda, including those items set forth in the consent and regular agenda sections. The Town Council may change, in its discussion, the order in which any agenda items are discussed during the course of the meeting.

Persons with a disability may request a reasonable accommodation by contacting the Town Manager at (928) 638-9909 as soon as possible.

As a reminder, if you are carrying a cell phone, electronic pager, computer, two-way radio, or other sound device, we ask that you silence it at this time to minimize disruption of today's meeting.

### TOWN COUNCIL REGULAR MEETING AGENDA

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

#### 2. ROLL CALL

MAYOR GREG BRYAN  
VICE MAYOR AL MONTOYA

COUNCILMEMBER BILL FITZGERALD  
COUNCILMEMBER JOHN RUETER  
COUNCILMEMBER CRAIG SANDERSON

❖ *One or two Council Members may attend by telephone*

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

***Members of the public may address the Council on items not on the printed agenda. The Council may not discuss, consider or act upon any matter raised during public comment. Comments will be limited to three minutes per person.***

***Members of the audience who wish to speak to the Council on an item listed as Public Hearing should complete a Request to Speak Card and turn it into the Town Clerk. Speakers will be limited to three minutes each.***

#### 4. CEREMONIAL AND/OR INFORMATIONAL MATTERS

**Presentation from Matthew Nelson of the Arizona Trail Association**

**5. CONSENT AGENDA**

ITEMS ON THE CONSENT AGENDA ARE ROUTINE IN NATURE AND WILL BE ACTED ON WITH ONE MOTION AND ONE VOTE. PUBLIC HEARING ITEMS ARE DESIGNATED WITH AN ASTERISK (\*). MEMBERS OF THE COUNCIL OR STAFF MAY ASK THE MAYOR TO REMOVE ANY ITEM FROM THE CONSENT AGENDA TO BE DISCUSSED AND ACTED UPON SEPARATELY.

- A. Minutes of the Town Council Workshop on 11/6/13, Regular Meeting on 11/6/13, and Special Meeting on 11/13/13
- B. Accounts Payable Billings

**6. COMMITTEE REPORTS**

- A. Update on the Community Park Committee
- B. Update on the Planning and Zoning Commission

**7. ACTION ITEMS**

- A. Consideration, discussion, and possible adoption of Municipal Code Chapter 13, Parks and Recreation
- B. Consideration, discussion, and possible approval of Park Rules, Resolution No. 2013-11
- C. Consideration, discussion, and possible action on the First Amendment to the Pre-Annexation Development Agreement (PADA) between the Town and the Stilo Group and approval of Resolution No. 2013-15

**8. DISCUSSION ITEMS**

None

**9. TOWN MANAGER'S REPORT**

**10. FUTURE AGENDA ITEMS**

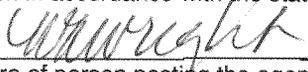
**11. COUNCIL MEMBERS' REPORTS**

**12. MAYOR'S REPORT**

**13. MOTION TO ADJOURN**

**CERTIFICATION OF POSTING OF NOTICE**

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the General Store in Tusayan, Arizona on this 15<sup>th</sup> day of November 2013, at 4:21 pm in accordance with the statement filed by the Tusayan Town Council.

  
\_\_\_\_\_  
Signature of person posting the agenda

ITEM NO. 5A

# **TUSAYAN TOWN COUNCIL MUNICIPAL CODE WORKSHOP**

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

Wednesday, November 6, 2013 at 5:30pm

TUSAYAN TOWN HALL BUILDING

845 Mustang Drive, Tusayan Arizona

## **TOWN COUNCIL SUMMARIZED MINUTES**

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

Mayor Bryan called the meeting to order at 5:31pm and the Pledge of Allegiance was recited.

### **2. ROLL CALL**

Upon roll call, the following were present:

**MAYOR GREG BRYAN  
VICE MAYOR AL MONTOYA  
COUNCILMEMBER BILL FITZGERALD  
COUNCILMEMBER JOHN RUETER  
COUNCILMEMBER CRAIG SANDERSON**

Also present were:

Will Wright, Town Manager  
Melissa Malone, Town Clerk

### **3. DISCUSSION OF DRAFT LANGUAGE FOR THE TUSAYAN MUNICIPAL CODE**

#### **Chapter 13 – Parks and Recreation**

Manager Will Wright introduced the Chapter, which the Council has considered in the past. Recently the School District has reviewed it and submitted revision requests. The Council had no additional comments or revisions for Chapter 13.

### **4. DISCUSSION OF PARK RULES**

Manager Wright introduced 2 versions of the Park Rules; the version the Town Council proposed and the version for which the School District has proposed changes. The Council reviewed the proposed changes and then made the following additional changes:

Remove 2<sup>nd</sup> "School District" (error) in the 4<sup>th</sup> Whereas section.

On Rule # 10, the Council added the word "and" after the word "smoking."

On Rule #14, the Council added "or Town" after the word "school."

Rule #17 was combined with Rule #10.

**5. MOTION TO ADJOURN**

Councilmember Rueter made a motion to adjourn the meeting at 5:59pm.  
Councilmember Fitzgerald seconded the motion and it passed on unanimous vote.

**ATTEST:**

\_\_\_\_\_  
**Greg Bryan, Mayor**

**Date**

\_\_\_\_\_  
**Melissa A. Malone, Town Clerk**

**CERTIFICATION**

State of Arizona        )  
                                  ) ss.  
Coconino County        )

**I, Melissa A. Malone, do hereby certify that I am the Town Clerk of the Town of Tusayan, County of Coconino, State of Arizona, and that the above minutes are a true and correct summary of the meeting of the Council of the Town of Tusayan held on November 6, 2013. I further certify that the meeting was duly called and held, and that a quorum was present.**

**DATED this 6<sup>th</sup> day of November, 2013.**

\_\_\_\_\_  
**TOWN CLERK**

## **TUSAYAN TOWN COUNCIL REGULAR MEETING**

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

Wednesday, November 6, 2013 at 6:00pm

TUSAYAN TOWN HALL BUILDING

845 Mustang Drive, Tusayan Arizona

### **TOWN COUNCIL SUMMARIZED MINUTES**

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

Mayor Bryan called the meeting to order at 6:04pm and the Pledge of Allegiance was recited.

#### **2. ROLL CALL**

**MAYOR GREG BRYAN  
VICE MAYOR AL MONTOYA  
COUNCILMEMBER BILL FITZGERALD  
COUNCILMEMBER JOHN RUETER  
COUNCILMEMBER CRAIG SANDERSON**

Also present were: Will Wright, Town Manager  
Melissa (Malone) Drake, Town Clerk

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

None

#### **4. CEREMONIAL AND/OR INFORMATIONAL MATTERS**

Mayor Bryan revised the order of the agenda as follows due to the fact that some participants were not available at the time.

##### **C. Presentation/Discussion with Pam Edwards from the National Park Service to gather input on the shuttle service**

Pam Edwards introduced herself and presented handouts showing ridership on the shuttle system. Ridership in Tusayan has decreased over the last 3 years. She requested ideas and support to increase ridership from Tusayan into Grand Canyon National Park with advertising, additional businesses selling park passes, etc. She invited all to send her input by e-mailing Pamela\_Edwards@nps.gov or by calling her at 638-7713.

Ms. Edwards also stated that the bus shelter project is still in progress.

Councilmember Fitzgerald asked what the "breakeven point" for ridership is from Tusayan. Ms. Edwards stated that this has not yet been calculated but the cost per rider is \$2. Within the Park, the cost is \$1 per rider.

Mayor Bryan voiced his frustration with the continued delays in the bus shelter project.

## **A. Presentation of Certificates of Appreciation**

Mayor Bryan presented certificates to Clarinda Vail and Becky Shearer in recognition of their successful efforts (gathering donations from the private sector and organizing a demonstration) to reopen Grand Canyon National Park.

Vice Mayor Montoya also presented a similar certificate to Mayor Bryan thanking him for his efforts, which included testimony before a U.S. Joint Congressional Committee.

## **B. Presentation from Kaibab National Forest Supervisor – Mike Williams**

Mike Williams introduced Linda Chappell, Acting District Ranger for the Tusayan District. He also spoke about easement requests for the Stilo Development and the National Forest Service's view that the request should come from the Town, not the developer.

Linda Chappell stated that there would be prescribed burning soon in the area.

## **5. CONSENT AGENDA**

Councilmember Fitzgerald requested the Accounts Payable Billings be removed from the Consent Agenda.

### **A. Minutes of the Town Council Regular Meeting on 10/16/13**

Councilmember Rueter made a motion to approve the minutes. Councilmember Sanderson seconded the motion. Mayor Bryan abstained since he was not in attendance at the meeting. The motion passed on unanimous vote.

### **B. Accounts Payable Billings**

Councilmember Fitzgerald asked about a payment to Bill Sims and the time period it covered. Manager Wright stated that it was for October 2013. Councilmember Fitzgerald also asked about a payment to Willdan. Manager Wright described the specific services which were provided.

Reimbursements to the Mayor were for his trip to Washington D.C. and trips for CPWAC and NACOG Meetings.

Councilmember Sanderson thanked the Mayor for his work and travels to Washington D.C. and Phoenix in efforts to reopen the Grand Canyon.

Councilmember Fitzgerald made a motion to approve the Accounts Payable Billings. Councilmember Rueter seconded the motion. Mayor Bryan and Vice Mayor Montoya abstained from items reimbursing themselves. The motion passed on unanimous vote.

Mayor Bryan spoke about a check in the last meeting to Bureau of Reclamation. He stated that it is being held waiting on the National Park Service's decision on their participation in the Water Study.

## 6. COMMITTEE REPORTS

### A. Update from the Community Park Committee

Postponed awaiting Kevin Hartigan

### B. Update from the Planning and Zoning Commission

None

## 7. ACTION ITEMS

### A. Consideration, discussion, and possible approval of Park Rules, Resolution No. 2013-11

Postponed until next meeting on 11/20/13

### B. Consideration, discussion, and possible action on disbursement of refunded/potentially refunded monies contributed to the State of Arizona to re-open Grand Canyon during the federal government shutdown

Mayor Bryan spoke about the contributions from the Town and the private sector to reopen Grand Canyon National Park. He announced that the State of Arizona will refund a portion (\$283,640) of the \$426,500. Additional funds may be refunded if Congress passes a bill to do so.

Mayor Bryan proposed that all of the local private sector contributions (\$226,500) be refunded and that the Town absorb all costs.

Councilmember Rueter made a motion to refund \$226,500 to the local donors once the refund from the State is received. Mayor Bryan seconded the motion. Mayor Bryan stated that the Best Western Grand Canyon Squire Inn (his employer) was one of the contributors who would receive a refund but that he personally would not benefit from any refund. The motion passed on unanimous vote.

### C. Consideration, discussion, and possible approval of expenditure of \$3,500 for additional Community Park clearing

Manager Wright gave an overview of additional clearing to be completed at the Community Park.

Councilmember Rueter made a motion to approve the \$3,500 expenditure for the additional clearing. Councilmember Sanderson seconded the motion and it passed on unanimous vote.

### D. Consideration, discussion, and possible approval of 2014 Town of Tusayan Meetings Calendar

Manager Wright gave an overview of the 2014 Calendar.

The following changes were made to the calendar which was included in the Agenda Packet:

- the March 19<sup>th</sup> meeting moved to March 26<sup>th</sup>
- the meeting on July 2<sup>nd</sup> does not change
- the July 16<sup>th</sup> meeting moved to July 23<sup>rd</sup>
- No meetings were moved for September
- The meetings in October will be October 1<sup>st</sup> and 15<sup>th</sup>

Councilmember Rueter made a motion to approve the 2014 Calendar as amended here. Councilmember Fitzgerald seconded the motion and it passed on unanimous vote.

**E. Consideration, discussion, and possible authorization of Town Manager to apply for USDA grant for drainage improvements**

Manager Wright discussed the design work and possible implementation of drainage improvements for the Town which may be funded by a grant if received.

Councilmember Fitzgerald asked what requirements upon the Town are imposed if this grant is approved. Manager Wright invited Former Mayor Pete Shearer to speak on this topic since he was more familiar with it. Mayor Shearer stated that there are some requirements to clean out the retention tanks periodically and to monitor for non-native fish. Mayor Bryan asked Manager Wright to research the question and report back to the Council.

Councilmember Rueter made a motion to direct the Town Manager to proceed with the grant application with the condition that if there are any significant requirements upon the Town, he will bring the issue back to the Council prior to submitting the application. Vice Mayor Montoya seconded the motion and it passed on unanimous vote.

**8. DISCUSSION ITEMS**

**A. Federal legislation to develop a process for Grand Canyon National Park to accept 3<sup>rd</sup> party contributions to remain open during future federal government shutdowns**

Mayor Bryan clarified the topic in that it should pertain to the National Park Service, not just Grand Canyon National Park. He gave an overview of what occurred during the shutdown in October 2013 and a historical attempt at this legislation in 1996. The attempt failed since it included using non-Park Service staff to reopen National Parks during shutdowns. New legislation should use Park Service Staff and allow a partial reopening. The Mayor expects that there would be bi-partisan support for such legislation.

Councilmember Rueter spoke in favor of pursuing this legislation and removing National Parks from political fights.

Mayor Bryan spoke of his embarrassment of the Joint Committee's treatment of Superintendent Jonathan Jarvis during the testimony in October.

Councilmember Sanderson asked about reimbursement from the federal government. Mayor Bryan stated that reimbursement to the states would be a part of this proposal.

Councilmember Fitzgerald echoed Mayor Bryan's comments on the treatment of Superintendent Jarvis.

Councilmember Rueter asked about possibly having something already in place which would allow 3<sup>rd</sup> party contributions. The National Park Service seemed to be able accept contributions to extend service of the bus shuttle. Mayor Bryan stated that he believes and IGA would be required.

The Council was in favor of pursuing this legislation.

**B. Report from Interim Public Management on historical Use Permits provided to the Town by Coconino County**

Manager Wright introduced the summary report from Interim Public Management. He stated that staff will use the report to move forward on Town Use Permits.

**C. Mayoral Proclamations to promote tourism in Tusayan**

Mayor Bryan presented a sample proclamation and discussed the foreign familiarization tours which are continuing to visit the Town. He asked if there were any issues with the Council concerning his proclamations recognizing tourism. There were none.

**D. Discussion of the Stilo development project**

**The Town Council may decide to go into executive session pursuant to A.R.S. § 38-431.03.A.3 and A.4 for legal advice from the Town Attorney on asserting remedies pursuant to the current Stilo Development Agreement and to give the Town Attorney and Town negotiating representatives directions regarding negotiations concerning an amendment to the Stilo Development Agreement**

**Following the executive session, the Town Council may take action to either (i) approve a final draft of a First Amendment to the Stilo Development Agreement for approval at a subsequent Council meeting or (ii) give the Town Attorney direction regarding asserting remedies under the current Stilo Development Agreement.**

Mayor Bryan stated that the Council will go into executive session and the expectation is that the Amendment will be released to the public tomorrow morning and that there will be a Special Meeting on 11/13/13 at 5pm.

Vice Mayor Montoya made a motion to enter Executive Session at 7:41pm. Councilmember Sanderson seconded the motion. Councilmember Rueter recused himself based on his employment at Camper Village and stated that he would not return to the meeting. The motion passed on unanimous.

The Council took a five minute break.

The Council entered Executive Session and discussed the Stilo Project with the Town Attorney via phone.

Vice Mayor Montoya made a motion to exit the executive session and return the Council to open session at 8:53pm.

Mayor Bryan announced that the Council directed staff (the Town Attorney and Town Manager) to distribute the First Amendment to the PADA to the public on 11/7/13 and to schedule a Special Council Meeting on 11/13/13 at 5pm.

## **9. TOWN MANAGER'S REPORT**

Manager Wright asked if there were any questions on his staff report which was in the packet.

Councilmember Sanderson asked about the status of the CDBG process for the Park project. Manager Wright updated the Council that the application has been accepted and is in progress. He also clarified the requirement for "no regular" religious or governmental meetings. Special events are allowed.

## **10. FUTURE AGENDA ITEMS**

- Nov. 20<sup>th</sup> – Mayor to report on national legislation regarding National Parks accepting 3<sup>rd</sup> party contributions during government shutdowns
- Dec. 4<sup>th</sup>, Tami Ryall & Pat Walker to discuss Permit & Fee Study
- Crosswalk hazards/additional safety measures especially at night
- Schedule Retreat after the first of the year, possibly Feb 7<sup>th</sup> or 8<sup>th</sup>
  - Budget
  - Animal control
  - Improving meeting structure

## **11. COUNCIL MEMBERS' REPORTS**

Councilmember Fitzgerald stated that the Community Event, Trunk-or-Treat, on Halloween was a great success. The plan is to make it an annual event.

## **12. MAYOR'S REPORT**

The Grand Canyon National Park Airport and Mike Halpin are receiving an award from the U.S. Green Building Council next week on 11/13/13. Councilmember John Rueter will attend to represent the Town.

## **13. MOTION TO ADJOURN**

Vice Mayor Montoya made a motion to adjourn the meeting at 9:36pm. Councilmember Sanderson seconded the motion and it passed on unanimous vote.

Greg Bryan, Mayor

Date

ATTEST:

Melissa (Malone) Drake, Town Clerk

CERTIFICATION

State of Arizona        )  
                                  ) ss.  
Coconino County        )

I, Melissa (Malone) Drake, do hereby certify that I am the Town Clerk of the Town of Tusayan, County of Coconino, State of Arizona, and that the above minutes are a true and correct summary of the meeting of the Council of the Town of Tusayan held on November 6, 2013. I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 15<sup>th</sup> day of November, 2013.

Town Clerk

**TUSAYAN TOWN COUNCIL SPECIAL MEETING**  
PURSUANT TO A.R.S. 38-431.02 & 38-431.03  
WEDNESDAY, NOVEMBER 13, 2013 @ 5:00 PM  
TUSAYAN TOWN HALL  
845 Mustang Drive, Tusayan, AZ 86023

**TUSAYAN TOWN COUNCIL SPECIAL MEETING SUMMARIZED MINUTES**

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

Mayor Bryan called the meeting to order at 5:04 pm and recited the Pledge of Allegiance.

**2. ROLL CALL**

Upon roll call the following were present:

**MAYOR GREG BRYAN  
VICE MAYOR AL MONTOYA  
COUNCILMEMBER BILL FITZGERALD  
COUNCILMEMBER CRAIG SANDERSON**

**COUNCILMEMBER JOHN RUETER RECUSED HIMSELF DUE TO HIS  
EMPLOYMENT AT CAMPER VILLAGE AND WAS NOT PRESENT.**

**STAFF ALSO PRESENT: TOWN ATTORNEY, BILL SIMS BY PHONE AND TOWN  
MANAGER, WILL WRIGHT**

**3. CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON THE FIRST  
AMENDMENT TO THE PRE-ANNEXATION DEVELOPMENT AGREEMENT (PADA)  
BETWEEN THE TOWN AND THE STILO DEVELOPMENT GROUP AND APPROVAL  
OF RESOLUTION NO. 2013-15.**

Mayor Bryan began the meeting by stating the Town has been negotiating with the Stilo Group for some time now and the document the Council is considering has taken in to account the issues/concerns given by the public to improve this development and to enhance the town's ability to control the Camper Village development. Further, the Town has decided to issue a stop work order to require an improved development plan subject to design review that will address many of the concerns of the people regarding Camper Village issues.

The Mayor introduced Bill Sims, Town Attorney, who was on the telephone to give an overview of the latest changes to this agreement. Bill began by introducing three areas that have been the subject of negotiation and been changed in this latest agreement with Stilo, namely: 1) Obtaining Forest Service approval for accessing Stilo properties and the Town taking the lead as applicant as well as contributing to this process; 2) Stilo's ability to have limited commercial use with conditions for employee housing and the need for Stilo to provide an interim housing plan; and 3) finally, an amended exhibit to correct the perception that Stilo had access at their southern boundary which went

across an adjacent property owner's land and to clean up other provisions with regard to the development plan for Camper Village. This concluded Bill's comments regarding the First Amendment to the Pre-Annexation Development Agreement (PADA) being considered by the Town Council this evening.

The Mayor opened the meeting for public comment with the following persons giving their statements regarding the Stilo development plans for Kotzin Ranch, the Ten X Ranch and Camper Village, including:

- 1) Alicyn Gitlin of the Sierra Club Grand Canyon Chapter opposes this development stating that water taken from wells in this area would negatively impact the Grand Canyon. She reiterated her earlier statements about the potential negative impact water could have on the canyon seeps and springs. She commented that it is difficult to believe the Council could ever approve an agreement without a Site Plan and noted their groups' opposition to Stilo's development plans.
- 2) Patty Stacy, a local resident spoke in favor of this development, thanking Stilo for their help finding her a home when she lost employment and found herself basically homeless. She and her family love this community and want to see it develop housing for the people.
- 3) Robert Petzholdt of the South Grand Canyon Sanitary District spoke to the fact that the agreement does not recognize that the South Grand Canyon Sanitary District is the Designated Management Agency (DMA) as determined by NACOG for Tusayan and three miles surrounding the community. He presented letters to the Town Council and staff related to the Sanitary District's service area and would like this acknowledged in the First Amendment to the PADA.
- 4) Carolyn Oberholtzer spoke representing Red Feather properties and supported by the following persons who filled out speaker request cards for this meeting: 1) Julie Aldaz; 2) Josh Collet; 3) Chris Thurston; 4) Jennifer Thurston; 5) John Thurston; 6) Clarinda Vail; and 7) John Vail. Carolyn asked the Council to not approve this amendment as it was bad public policy. She explained that vesting Stilo's zoning for the Kotzin and Ten X Ranches without having development terms or schedules to ensure performance, was wrong for the town. She reiterated that Stilo had not performed in the past and certainly would not in the future without performance milestones.

She indicated there was no 'or what' in this document that would allow this Council or future Councils to address issues as they arose. The Town is giving away remedies by not requiring any performance standards for Stilo to meet. She indicated that Bill Sims had provided wording in section 8.a at 4 pm and she had not had time to vet it. In short, there are still outstanding issues that need to be resolved before the Council signs this amendment and she again urged the Council to delay this decision. Annexation always comes with a price and it is not unusual for cities or towns to request lands for public purposes such as parks, public safety sites, housing, etc. However, without Stilo having to provide any performance milestones then the Town loses control and ties the hands of future Councils, which is illegal. Most communities tie zoning entitlements to development schedules to ensure

performance. She again asked the Council to consider applying a development schedule or terms to this agreement as was in the original PADA to ensure performance by Stilo.

Councilmember Bill Fitzgerald asked Carolyn if zoning in a PAD or PCD was vested forever or did it have timeframes. Carolyn said her experience with development agreements is there is usually a schedule or terms that limit length of time for zoning to ensure performance.

- 5) Dave Uberauga of the National Park Service expressed concern for water, which is the key to how growth is managed. He stated that gradual growth rather than approving a full development was a better approach which would not have such a negative impact on the Park. He generally felt the scope and scale of this development proposal was way out of proportion to the needs of this area. He stated development in increments would be better to gauge the impacts of growth on the park and recommended the Council consider smaller steps with regard to Stilo's development plans.

The Mayor indicated the Council would be going into Executive Session to confer with legal counsel. Vice Mayor Montoya made a motion at 5:47 pm to go into Executive Session. Councilmember Sanderson seconded the motion and it carried unanimously.

The Council discussed the Amendment with the Town Attorney.

Councilmember Sanderson made a motion at 6:33 pm to exit Executive Session and return to the public meeting. Vice Mayor Montoya seconded the motion and the vote was unanimous.

Mayor Bryan returned to open session at 6:34 pm by making a statement that the Council would not be taking action this evening, but would delay their decision by one week or until next Wednesday, November 20<sup>th</sup> in their regularly scheduled meeting.

#### **4. MOTION TO ADJOURN**

Vice Mayor Montoya made a motion to adjourn at 6:35 pm. Councilmember Sanderson seconded the motion and it carried unanimously.

**ATTEST:**

\_\_\_\_\_  
**Greg Bryan, Mayor**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Melissa (Malone) Drake, Town Clerk**

**CERTIFICATION**

State of Arizona            )  
  ) ss.  
Coconino County            )

I, Will Wright, do hereby certify that I am the Town Clerk of the Town of Tusayan, County of Coconino, State of Arizona, and that the above minutes are a true and correct summary of the meeting of the Council of the Town of Tusayan held on November 13, 2013. I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 15<sup>th</sup> day of November, 2013.

\_\_\_\_\_  
Town Manager

ITEM NO. 7A

CHAPTER 13  
PARKS AND RECREATION

ARTICLE 13-1

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PARKS AND RECREATION CODE

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- 13-1-1 General Provisions
- 13-1-2 Fees
- 13-1-3 Rules and Regulations
- 13-1-4 Interpretation of Rules
- 13-1-5 Penalty

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SECTION 13-1-1 GENERAL PROVISIONS

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**A. Exclusions**

The developing trails system for the town is excluded from this article.

**B. Hours of operation.**

1. All parks, playgrounds, recreational areas or facilities owned or managed by the Town shall be open for the use of the general public during the hours posted.
2. Use or occupancy of any public park outside of its posted hours of operation may be considered criminal trespass.

**C. Authority to Close Parks, Playgrounds.**

1. The Town Manager or designated representative(s) are hereby authorized to close any park, playground, recreational area or facility owned or managed by the Town, to all persons not properly authorized to be there, when an emergency exists that demands such closure for the protection of the public peace, health, safety, welfare, morals, or at the direction of the Council.
2. In the event the town manager or designated representative(s) directs the closure of any park, playground, recreational area or facility owned or managed by the Town, the date and time of such emergency closure shall be posted upon the property affected.
3. It is unlawful for any person, not properly authorized, to enter or fail to vacate any park, playground, recreational area, or facility when notice of emergency closure has been given.

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SECTION 13-1-2 FEES

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The Council shall establish and set by resolution, the amount of charges for activities sponsored by the parks and recreation department or for the use of any park property or facilities owned or managed by the Town. Fees are determined by Council Resolution on an annual basis. The Town Manager may require an additional clean-up deposit be provided for larger events, to be determined on a case-by-case basis.

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SECTION 13-1-3 RULES AND REGULATIONS

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The Council may adopt rules and regulations for use of Town owned or managed parks, recreation areas, and facilities by resolution.

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SECTION 13-1-4 INTERPRETATION OF RULES

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- A. The Town Manager shall interpret these rules and regulations and may act in any case not specifically covered herein.
- B. Any request not contemplated by the provisions of this article or any refusal of a permit request may be appealed in writing to the Town Manager, which may at his discretion decide such appeal or refer it to the Council.

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SECTION 13-1-5 PENALTY

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Violations of this article shall be a class 3 misdemeanor.

ITEM NO. 7B

## RESOLUTION NO. 2013-11

### A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF TUSAYAN, COCONINO COUNTY, ARIZONA ESTABLISHING RULES AND REGULATIONS CONCERNING TOWN OF TUSAYAN PARKS

**WHEREAS**, the Town of Tusayan has a community park within the Town and may have future parks that are maintained by the Town; and

**WHEREAS**, to enjoy the quiet, orderly and suitable use of the parks in a safe, healthy and comfortable environment for all those who share in that use, certain rules and regulations are needed; and

**WHEREAS**, once a school has been built onsite, rules and regulations concerning smoking tobacco will be reevaluated by the school board; and

**WHEREAS**, Chapter 13 of the Tusayan Municipal Code requires that the Town Council, by resolution with support from the Grand Canyon Unified School District #4, adopt, and from time to time amend, rules and regulations governing public parks; and

**WHEREAS**, a comprehensive view of the rules regarding parks has been undertaken.

**NOW THEREFORE, IT IS RESOLVED**, that the Town Council establishes the following rules governing parks in Tusayan shall apply and are hereby adopted:

#### PARK RULES

1. Open from 6 a.m. to 10:30 p.m. and no use after hours when closed.
2. The Town of Tusayan, Grand Canyon Unified School District, its officers, employees, and agents shall be immune from liability to recreational and educational users of the Park pursuant to A.R.S. Section 33-1551.
3. Please report any rule violations to the Coconino Sheriff's Department at 928-226-5012 or to the Town Hall at 928-638-9909.
4. It is unlawful to obstruct town or school district officials in the performance of their official duties.
5. Motorized vehicles (including ATVs, skateboards) are restricted to parking areas.
6. No overnight parking or camping.
7. All animals must be on a leash and are not allowed in fenced areas at any time. All animal waste must be removed.
8. No fires, except in grills designated for such use.
9. No drugs or alcoholic beverages allowed in the park or parking lot.
10. Smoking and tobacco products only allowed in designated areas and no smoking or tobacco products in fenced areas or restrooms.
11. No possession of glass containers in park or parking lot.

12. No damage, change, or removal of park property.
13. No discarding of litter or trash, except in trash receptacles.
14. No hitting golf balls, shooting arrows, slingshots or paintballs unless part of a School or Town sanctioned activity. No explosives or firearms are permitted in the park.
15. No loud music, profanity, offensive, or disruptive behavior.
16. No hunting, feeding, or harassing animals.
17. No advertising or soliciting goods or services without a permit.
18. No unauthorized signs allowed.
19. The Town of Tusayan reserves the right to deny any activity or event proposed to be conducted in the park.
20. Children are to be supervised at all times. Parents are responsible for the actions of their children.

**PASSED AND ADOPTED BY** the Mayor and Council of the Town of Tusayan, Arizona this 20<sup>th</sup> day of November, 2013.

\_\_\_\_\_  
Greg Bryan, Mayor

**ATTEST:**

\_\_\_\_\_  
Melissa M. Drake, Town Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
William Sims, Town Attorney

ITEM NO. 7C

**RESOLUTION NO. 2013-15**

**A RESOLUTION OF THE OF MAYOR AND COUNCIL OF THE TOWN OF TUSAYAN, COCONINO COUNTY, APPROVING THE FIRST AMENDMENT TO THE PRE-ANNEXATION DEVELOPMENT AGREEMENT (PADA) WITH THE STILO GROUP FOR THE DEVELOPMENT OF CAMPER VILLAGE, KOTZIN RANCH AND TEN X RANCH.**

**WHEREAS**, the Town of Tusayan entered into a Pre-Annexation Development Agreement (PADA) with the Stilo Group on July 1, 2011; and

**WHEREAS**, the Town of Tusayan is interested in working with the Stilo Group for the development of Camper Village, Kotzin Ranch and Ten X Ranch and has in good faith negotiated this First Amendment of the PADA; and

**WHEREAS**, the Stilo Group has determined that this First Amendment to the PADA is in their best interest and necessary in order to proceed with the development of Camper Village, Kotzin Ranch and Tex X Ranch;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Town Council hereby approve the First Amendment to the Pre-Annexation Development Agreement (PADA) with the Stilo Group for the development of Camper Village, Kotzin Ranch and Ten X Ranch; and that the Mayor and Town Council of Town of Tusayan, Coconino County hereby state that the terms of the PADA and this First Amendment to the PADA create a legally binding obligation of the Town of Tusayan based on the legal opinion of the Tusayan Town Attorney.

**PASSED AND ADOPTED BY** the Town Council of the Town of Tusayan this 20th day of November, 2013.

\_\_\_\_\_  
Greg Bryan, Mayor

ATTEST:

\_\_\_\_\_  
Melissa M. Drake, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Bill Sims, Town Attorney

ITEM NO. 9

Manager's Report  
November 20, 2013

I. ADMINISTRATION:

- a) I've visited State Surplus hoping to find deals on functional equipment, etc. for town.
- b) I'm still reviewing the Local Government Investment Pool (LGIP) material, which requires Council approval to invest in this program.

- II. ADOT – Tim and I met with Anthony Jaramillo of ADOT and Lupe of Land Tech on Wednesday the 13<sup>th</sup> to winterize the sprinkler system. Steve Monroe of ADOT sent an email indicating that this project had not been turned over to the town as initially reported by Rod Stanger who is a consultant for ADOT on this project. He had on October 29<sup>th</sup> told staff that he thought the town had assumed responsibility for the maintenance of the landscaping, sprinkler system and sidewalk improvements for this project. So we will continue to communicate with ADOT officials about this project and our responsibilities moving forward.

Received a visit from Chuck King of ADOT in answer to my email to Warren Sutphen and was given a Special Event Permit Application for the placement of the Christmas lights on the light poles through town. Also learned that our request to understand the replacement of the pole to hold the service agencies banners was deficient and on administrative hold pending supplying additional information such as certificate of insurance, traffic control plan, design plans, et cetera.

- III. AIRS – Mark Venuti, who works for Guardian and sits on the AIRS board, made a presentation at the October 2nd Council meeting on the AIRS program. He gave good information and direction for the town to join this program, but it will cost approximately \$35,000. This will be a discussion for next year's budget.

- IV. BROADBAND – I talked with Bill Bolin, contractor for IT for Coconino County and Jim Simms, another IT business owner familiar with Coconino County and Tusayan. They sent some follow up questions to our discussion and then will come to make a presentation to the Council in the next couple of months.

- V. BUDGET – completed for FY 2014 at about the same amounts as last fiscal year.

- VI. CDBG – The Town responded to the letter from ADOH regarding CDBG application for park improvements (restroom facilities). The town received a letter of conditional reservation of funding with items to submit for clarification of this project. NACOG is currently working on ERR (environmental report) which is required before we get final approval for this project.

- VII. COMMUNITY PARK – CREC came the week of September 30 to clear and grub the 3 acre site and L.P.'s Excavating performed additional work removing stumps and with the assistance of the Sanitary District moved them to a Forest Service burn pit. In addition, I need to follow up with Art Babbott regarding the County Parks and Open Space (CPOS) program to express Tusayan's interest in participating in this program.

VIII. COUNCIL FOLLOWUP:

- a) Fire District has hired Tyler Kroombeen EMT/FF and invoice represents financial obligation to them;
- b) Coconino County Health Dept. submitted data on animal control that I emailed to Council; and
- c) Council decided February 7<sup>th</sup> or 8<sup>th</sup> (Friday or Saturday) for a retreat.

IX. DEVELOPMENT/P&Z MEETING – No items to be heard by P&Z. Draft General Plan is currently out for 60 public comment period which ends on November 21<sup>st</sup>. Trading Post submitted request to modify signage for minimal change that we'll handle administratively. A stop work order for Camper Village was issued on the November 14<sup>th</sup> until a development with design review is submitted, reviewed and approved by the Town Council.

Mr. Matthew J. Nelson, Executive Director of the Arizona Trails Association will be making a presentation on November 20<sup>th</sup> for the town being designated as a Gateway Community for the Arizona Trail.

X. DRAINAGE – J2 Engineering is starting phase 2 of the drainage study which will be under the \$40,000 cap for estimated costs for this study. I contacted ADOT for aerial maps of this area to assist J2's drainage study of Tusayan. However, ADOT has changed the way it responds to municipal requests for mapping and we've not received these maps as yet. Further, J2 will provide a proposal to do engineering for six drainage basins identified on Forest Service adjacent to the town to mitigate flooding in town. This grant is provided through the Secure Rural Schools program.

XI. MUNICIPAL CODE – Working through a process of putting municipal code information together for the Council and committee to review according to schedule shown on future meetings. We looked at the Building Codes sections in early October 2013 and those changes will be brought for Council approval at a future meeting. I also forwarded information from Coconino Department of Health Services, who handles Animal Control Services in the County and the town will consider at a future Council meeting how we plan proceed with receiving these services from the county.

XII. PUBLIC OUTREACH – Mike Williams, Kaibab National Forest Supervisor, introducee Linda Chappell, new interim district ranger, through the end of this calendar year. Further, I met and talked with Chris Fabbro, Interim Realty Specialist for this district regarding the application for Stilo to access their property through Forest Service lands, however due to shutdown he was reassigned back to his office of origin and not sure new plans for him.

XIII. SIGNS – town hall signs were installed and still trying to find a way to add the address without spending about \$700. Also, will need signage for park with new rules which the Council approved the draft at their September 4<sup>th</sup> Council meeting, but forwarded them to the School for their input. I did find out that the Park Service creates signs that we may be able to utilize their service.

XIV. STILO – Things are still crazy in Stilo land with the Council considering the umpteenth iteration of the First Amendment to the Pre-Annexation Development Agreement which will come again for consideration at the November 20<sup>th</sup> Council meeting.