

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 20th 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:

Melissa M. Drake
Melissa (Malone) Drake, Town Clerk

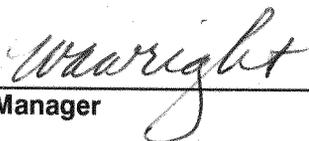
Greg Bryan, Mayor 11/20/13
Date

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 15th day of November, 2013.



Town Manager