

## **TUSAYAN TOWN COUNCIL REGULAR MEETING**

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03  
Wednesday, May 21, 2014 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 6:01pm 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 M. Drake, Town Clerk

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

None

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

None

#### **5. CONSENT AGENDA**

Councilmember Fitzgerald asked for clarification of a check to JMR Logistics. Clerk Melisa Drake stated that it was a charge for virus protection for a new computer.

##### **A. Minutes of the Town Council Workshop on 5/7/14 and Regular Meeting on 5/7/14**

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

Councilmember Rueter made a motion to approve the Consent Agenda. Vice Mayor Montoya seconded the motion and it passed on unanimous vote.

#### **6. COMMITTEE REPORTS**

##### **A. Update from the Community Park Committee**

Manager Wright stated that the Park Committee will meet next week. Willdan is working on a performance bid for dirt work at the park.

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

Manager Wright stated that the deadline for submitting letters of interest for volunteering for the Commission was today. To date, only 2 letters have been submitted. Janet Rosener is the only current Commissioner who has responded. He stated that he would probably have to extend the deadline

## **7. ACTION ITEMS**

### **A. Consideration, discussion, and possible approval of retaining a law firm to review the Forest Service access process**

Mayor Bryan stated that the Town Attorney made several suggestions of firms to review the NEPA (National Environmental Policy Act) process (legal documents) representing the Town's interest. Some of those have been eliminated due to conflicts of interest. The Council discussed Squire Sanders, LLC, and what their role would be in the process.

Councilmember Fitzgerald requested that the firm make a presentation to the Council (via phone) prior to retaining them.

Councilmember Sanderson asked who would give direction to the firm as the process moves along. Mayor Bryan stated that he had envisioned the committee and Town Manager making that call and then reporting to the Council as appropriate. Councilmember Sanderson asked Manager Wright for his view. Manager Wright stated that he believes it is a good idea to have someone looking out for the Town's interest in this process as well as having the committee directing the work of the law firm. Councilmember Sanderson stated that the work should be ad hoc and the charges should be hourly.

Mayor Bryan stated that the firm should work with the Town initially to develop a scope for their work. He also stated that the Town is the applicant. He, Councilmember Rueter, and Manager Wright are meeting with Stilo and the Forest Service to develop the application and participate in the process. The Forest Service has not yet accepted the application. He stated that the timeline has not been determined yet because of this.

Councilmember Fitzgerald stated that there have been too many executive sessions and wants the discussions in public. Mayor Bryan noted his request but stated that some issues, when negotiating a legal document, need to be discussed privately with attorneys prior to going public.

Vice Mayor Montoya made a motion to approve retaining Squire Sanders, LLC. Councilmember Rueter seconded the motion and it passed on unanimous vote.

### **B. Consideration, discussion, and possible approval of Special Event Liquor License for Grand Canyon Rotary Club Sunset Supper on 6/14/14 and request to waive Town fees**

Manager Wright gave a brief introduction of the request.

Councilmember Fitzgerald made a motion to approve the application and waive the \$560 fee. Councilmember Sanderson seconded the motion. The Council discussed the community event and the fact that it will take place on Federal lands. The motion passed on unanimous vote.

**C. Consideration, discussion, and possible approval of Special Event Liquor License for Grand Canyon Chamber & Visitors' Bureau July 4<sup>th</sup> celebration and request to waive Town fees**

Manager Wright gave a brief introduction of the application and request.

Mayor Bryan noted that the answer to Question 14 stated that rezoning would be required. He stated that it would not require rezoning; only a Temporary Use Permit would be required. He stated that the applicant should make a change, noting only a Temporary Use Permit is required.

Councilmember Fitzgerald made a motion to approve the application and waive the \$560 fee pending the correction on the zoning question. Councilmember Sanderson seconded the motion and it passed on unanimous vote.

**D. Consideration, discussion, and possible approval of new Town application and process for Special Event Liquor Licenses**

Manager Wright introduced the new procedure which streamlines the Town process and reduces the fees to \$10.

The Council discussed the process.

Vice Mayor Montoya made a motion to approve the new process and application with the new fee being \$25. Councilmember Sanderson seconded the motion and it passed on unanimous vote.

**E. Consideration, discussion, and possible approval of TAPCO proposals for safety improvements of crosswalks**

Manager Wright stated that he has received quotes for safety improvements to the crosswalks in Town. He also stated that the Mayor has distributed to the Council information regarding a flag system as an alternative to lights. An encroachment permit would be required from ADOT for either improvement.

John Thurston asked if liability of the Town increases if ADOT approves the encroachment. He also asked if the state should cover the costs for improvements instead of the Town.

Councilmember Rueter suggested a consultation with the Town Attorney as well as ADOT.

The Council discussed several options including the safety flag program used by some cities. Mayor Bryan stated that the flag solution may increase the awareness and responsibility of pedestrians.

Councilmember Rueter stated that he had a conversation with a traffic expert who told him that car/pedestrian accidents increase when crosswalks are installed. He also stated that he personally used the flag system in Washington.

The Council directed Manager Wright to proceed with investigating encroachment permits, liability, and costs for the purchase and installation of the flag system in all crosswalks.

## **8. DISCUSSION ITEMS**

### **A. Discussion of FY2015 Budget**

Manager Wright introduced the Budget and discussed his recommendations and changes since the last time the Council reviewed it.

Manager Wright and the Council reviewed the Budget line by line and made a few wording changes. Manager Wright asked the Council to contact him before June 4, 2014 to let him know about any additional changes.

Manager Wright stated that the Commercial Lease tax will be implemented soon and will yield another \$75,000-\$100,000 per year. Whether or not this will affect State and Federal leases will have to be clarified with AZDOR.

Councilmember Fitzgerald stated that he felt the \$1.2M for the Water Project should be removed. He stated that there was no reason to have it in the budget since nothing is planned. He said that a study should be done.

Mayor Bryan stated that a study had been done and the number does include some estimation. He stated that it has a zero net effect on the budget since there is an off-setting revenue amount of \$1.2M. Councilmember Rueter suggested that the amount be moved to Contingency since there is very little chance of this occurring in the next fiscal year.

Manager Wright stated that a bond would have to be sought and studies would be required. He said that the process may take longer than a year but the time may be dependent on the willingness of a seller.

The Council discussed the issue and determined that the Water Fund of \$1.2M should stay in the Budget with Councilmember Fitzgerald dissenting.

Manager Wright asked the Council to consider his memo regarding a Cost of Living Adjustment (COLA) of 3%. He stated that the adjustment would fall well below the amount budgeted. The Council will review the memo regarding COLA and will decide at the meeting on June 4<sup>th</sup>.

### **B. Update on possibility of streaming audio of Council Meetings**

Manager Wright stated that there is no new information on the possibility of streaming audio. One piece of the audio/visual equipment is currently down and is in the process of being replaced under warranty.

John Thurston spoke in favor of making this available.

**C. Discussion of the Coconino County ban on cell phone use and texting while driving**

Manager Wright stated that this item is again for discussion. Flagstaff will be opting out of the Ordinance and developing their own. Mayor Nabours of Flagstaff requests that Tusayan participate in a Resolution requesting the state to pass a statewide ordinance.

Councilmember Fitzgerald stated that the Sheriff's Department is already concerned about how to enforce the law.

Vice Mayor Montoya spoke in opposition to the ordinance based on the fourth amendment rights. He believes law enforcement could ask to see a person's phone as evidence and if refused, could get a subpoena to take it.

Councilmember Sanderson said that it does not outlaw other distracted driving like reading a newspaper while driving, applying makeup, etc.

Councilmember Rueter stated he is in favor of opting out since the ordinance singles out cell phone use. He also stated that the Town does not own any roads. Mayor Bryan stated that it is a matter of jurisdiction, not road ownership.

The Council determined that this should be an Action Item for opting out in the June 4<sup>th</sup> meeting and Manager Wright will get an opinion from the Town Attorney regarding liability and other possible issues.

**D. Discussion of CDBG project plans for restroom facility at the community park**

Manager Wright noted the design drawings for possible restrooms in the packet. The Council reviewed the drawings and discussed possible costs.

Councilmember Rueter suggested a discussion of these options and additional costs in the next Park Committee meeting.

**E. Discussion of possible Town name change**

Mayor Bryan stated that the Town Hall Meeting on this topic sponsored by the Chamber and Visitors' Bureau may be scheduled for early June. He also stated that the Council would not be changing the name of the Town. State Statute outlines what would be required.

**9. TOWN MANAGER'S REPORT**

Manager Wright stated that his report is in the packet and pointed out that the Council will need to give him direction on how to proceed with the Planning & Zoning Commission.

Councilmember Rueter asked how many proposals have been received for the Engineering, Planning, and Building Services RFP. Manager Wright stated that none have been received yet but the deadline is tomorrow.

Councilmember Rueter also asked about J2 Engineering and the flood study. Manager Wright stated that Jeff Holstmeister will have a report at the end of the month.

## **10. FUTURE AGENDA ITEMS**

- June 4<sup>th</sup> League Resolutions
- June 4<sup>th</sup> Local Government Investment Pool update
- Councilmember Fitzgerald asked that final agendas be distributed by 5 days prior to the meeting, as agreed previously
- Crosswalk improvements

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

Councilmember Fitzgerald stated that:

- the Town Attorney had instructed the Council in the past not to report on anything in their "Council Member Reports" that would invite discussion. They should only report on recent activities, etc. He stated that in the last Town Council Meeting there was a reply to his previous concerns about not investigating all options for a land exchange. His impression is that it was mentioned in this section of the meeting so that he could not respond. He stated that the next time it occurs, he will reply. It should be in the agenda for discussion.
- he was at the half-marathon last Saturday and people were happy with the trail and there were over 700 participants.
- tomorrow morning at 7:30am there will be a going-away breakfast for Irina at the IMAX.
- Friday at 6pm at Big E's there will be a dinner for Serena Defoe who is hiking the Arizona Trail.

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

- There was a successful GAMA meeting on May 16<sup>th</sup> at the Thunderbird Room in Grand Canyon National Park. Many issues and successes were discussed.
- GovNet and ADOT are still in discussions regarding trying to proceed with a tower to improve internet service in Town. A new agreement is expected soon.
- Also met with CommNet about bringing service to the Town. The outstanding issue is distribution within the Town.
- Met with Superintendent Uberuaga 2 weeks ago discussing issues important to the National Park and the Town.

## **13. MOTION TO ADJOURN**

Councilmember Rueter made a motion to adjourn the meeting at 9:41pm. Vice Mayor Montoya seconded the motion and it passed on unanimous vote.

  
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Greg Bryan, Mayor

6/4/14  
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Date

ATTEST:


  
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Melissa M. Drake, Town Clerk

CERTIFICATION

State of Arizona        )  
                                  ) ss.  
Coconino County        )

I, Melissa M. 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 May 21, 2014. I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 29<sup>th</sup> day of May, 2014

  
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Town Clerk