

## MINUTES

### TUSAYAN TOWN COUNCIL REGULAR MEETING

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

Wednesday, December 13, 2017 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 public that the Tusayan Town Council will hold a meeting open to the public on Wednesday, November 8, 2017, 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 practical, prior to the meeting.

*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 SUMMARIZED MINUTES

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

*Mayor Craig Sanderson called the meeting to order at 6:04 p.m. and led in the pledge of allegiance.*

#### 2. MOMENT OF SILENCE

#### 3. ROLL CALL -*One of the Council Members may attend by telephone*

**MAYOR CRAIG SANDERSON**  
**VICE MAYOR BECKY WIRTH**

**COUNCILOR DAVID CHAVEZ**  
**COUNCILOR AL MONTOYA**  
**COUNCILOR JOHN SCHOPPMANN**

*Present were Mayor Sanderson, Councilors Montoya, Schoppmann, and Chavez. Vice Mayor Wirth was traveling on business and had previously notified town staff that she would be available telephonically if needed.*

*Staff members present included Town Manager Eric Duthie, Town Clerk Bruce Northern, and Administrative Assistant Zijun Liang.*

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

*Manager Duthie replied that there were no requests for public comment.*

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

##### A. Introduction of new Town Clerk

*Manager Duthie introduced new Town Clerk Bruce Northern, noting that he'd been in place for a month and expressed gratitude for him being in the new role.*

## **6. CONSENT AGENDA**

### **A. Accounts Payable Billings**

### **B. Minutes of the Town Council Meeting on 11/08/17 (Regular Meeting)**

*Councilor Montoya moved the question, seconded by Councilor Chavez. The motion was approved 4-0 at 6:10 PM, following no discussion.*

## **7. ACTION ITEMS**

### **A. Consideration, discussion, and possible canvass of November 8, 2017 Tusayan election results.**

*Manager Duthie reviewed the final canvass of votes at the November 8, 2017. Clerk Northern asked for a vote to approve the final canvass. Prior to the vote, Councilor Chavez asked about the results of the other area elections being listed on the original canvass sheet he'd seen. Mayor Sanderson explained that it was not part of the motion that was on the floor. Councilor Chavez then moved the question, seconded by Councilor Schoppmann with unanimous approval at 6:12 PM.*

### **B. Consideration, discussion, and possible scheduling of 2018 Town Council Meeting Schedule.**

*Manager Duthie presented a calendar of proposed meeting dates for the Town Council, Planning and Zoning Commission, Town holidays, and the planned Council retreat. These dates are based on the traditional meeting and holiday schedules of the town. Following brief discussion regarding possible scheduling and holiday conflicts a motion to accept a final 2018 Town Meeting and Holiday schedule was made by Mayor Sanderson and seconded by Councilor Montoya. The motion was approved 4-0 at 6:17PM. The final calendar is attached to these minutes as Exhibit "A".*

### **C. Consideration, discussion and possible approval of Council retreat agenda.**

*Manager Duthie explained to the Council that their packets contained an updated version of the 2017 retreat agenda. If there were no discussion, this can be adopted as the agenda and public notice information the 2018 Council retreat. Councilor Montoya moved to adopt, and Councilor Schoppmann seconded. The 2018 Council Retreat Agenda and schedule was approved 4-0 at 6:27 PM.*

### **D. Consideration, discussion and possible approval of Intergovernmental Agreement (IGA) between the Town of Tusayan and the Grand Canyon Unified School District concerning the Sports Complex.**

*Manager Duthie began by noting the need to include the presence of Town Attorney William Sims telephonically in the discussion. Attorney Sims was then contacted via the speaker telephone in Council chambers. Manager Duthie reminded Council of provisions in the original agreement that could result in the town losing access to the facility despite the Town's substantial investment in the facility. This has been discussed repeatedly by the council and Attorney Sims and, Attorney Brandon Cavanaugh, representing the school district are negotiating a new IGA, included in the Council's agenda.*

*Attorney Sims presented to the Council that negotiation of the IGA protects the Town's investment in the infrastructure for the sports complex, and the citizen's right to use the*

facility. The Council's concerns that access to the complex and rights to its use, financed in large part by the taxpayers of the Town, would be denied in the event of default or termination of the agreement have been addressed during negotiation of the agreement. Attorney Sims explained that the School District's concern of the financial burden of the agreement default penalty of repaying the Town's investment in the facility's infrastructure, especially in the case of unintentional defaults, like the loss of insurance, a non-appropriation event, or other unforeseen occurrence could prove a substantial financial deterrent for the district. This agreement presents a compromise, that the District will notify the town, allowing the Council to act in a manner to protect the interests of the Town.

Attorney Sims gave as example, in a loss of insurance event the Town could obtain insurance to keep the facility open. In a non-appropriation event, the Town may act to finance the maintenance costs of keeping the complex open for the use of the Town's residents.

Mayor Sanderson pointed out that it appeared that in the "far-fetched" scenarios where the town lost access for its citizens there is no provision for repayment of the town's monies by the School District of the NFS. A

Mayor Sanderson discussed the need to address the definition of "improper use", "community park", and other verbiage in the agreement to agree with requirements regarding the educational facility legal requirements for use of the facility. Attorney Cavanaugh assured Council that the current recitals reflected those needs, but some of the changes in the discussion would need to be presented to a future school board meeting agenda, as the District had already approved the IGA. Attorney Cavanaugh expressed an opinion that would not be any substantial hurdle to bringing it back before the school board. Mayor Sanderson noted that some items from the original agreement that would include establishing the "Rotary Ramada" and a "picnic area" and grills were not retained in the IGA, and would like to see those back in, subject to language fitting the required use of the complex. Attorney Sims suggested language stating "Outdoor Recreational Educational Facility" be used in the areas of concern.

Councilor Chavez noted concern with the term of the agreement, currently 20 years, was not sufficient to protect the Town's eventual investment of \$5-6 million, even in these types of "far-fetched events". Noting that other municipalities had seen access lost to similar school facilities that had seen substantial municipal investment. He would like to see a 99-year term for the IGA. Mayor Sanderson stated that the school didn't think the financial burden would be something the District could taken on.

Attorney Cavanaugh replied that he was unsure that Statute would allow for a term of that length. He that the IGA was partially developed to avoid executing a long-term lease where a term of 99 years would be common. He believes it would be possible to do this, but the School Board has already approved the IGA, so that body would need to approve any changes.

Mayor Sanderson noted that there was a provision for a five-year extension in the agreement, but should be discussed with the other changes needed by the Council to alleviate the Town's concerns. Councilor Chavez stated that he would like to see the Statute that limits terms to 19 or 20 years.

Mayor Sanderson then asked Council if there were any other comments or concerns, Councilor Schoppmann responded that his issues were the term and the payback provisions and had been addressed through comments made during the discussion. He

*stated that he loves having the sports complex in town and would hate to see access to the facility lost.*

*The Mayor then asked Manager Duthie he had further to add. Manager Duthie asked Attorney Sims whether the Town could appropriately ask Attorney Sims for information regarding statutory limits on term length. Attorney Sims stated that the term could be for any length agreed upon by the parties. He indicated that he wasn't aware that the final investment was going to be in the \$5-6 million range- thought the Council had backed up from that level of investment. Manager Duthie responded that so far, it was in the \$1 million range but would eventually reached the higher level as the development progressed, and the Council has held off on further commitments until this agreement was reached. He asked Attorney Sims if there was a statutory restriction for term length that he was aware that would hinder the District from entering into an agreement that would address the Council's concerns on the term length. Attorney Sims stated he was aware of no statutory restrictions, that an agreement for use of real property could be for any length agreed to, and agreed that at the \$5-6 million level of investment there should be a longer term. Manager mention that he could not commit to the Council approving an amended agreement, but the terms and investment level discussed had been in line with the discussion of the Town's concerns with the current IGA.*

*Attorney Cavanaugh responded that there were two issues being discussed: The current IGA, and most IGA's do not typically run for 99-year terms, and a possible long-term lease agreement. If it's a long-term lease there may be Federal Government rules that may apply. There may be concern, as well, that a long-term lease may trigger reversion.*

*Attorney Sims stated that when working out the current IGA he was unaware that the final investment would be \$5-6 million, and was OK with the IGA term at the \$1 million level, but with the increase in investment by the Town he would recommend a longer term. Mayor Sanderson clarified that the current spend was about \$1 million with another \$1 million in the current budget to keep things moving forward until an agreement was in place for access. Further commitment of funds by the Town, as discussed, were not in place until an agreement was reached.*

*Attorney Cavanaugh stated that the IGA was negotiated based on the current prior investment of \$1 Million, and unspecified use of the currently budgeted additional \$1 million. Unsure how to proceed, but any additional actions will require School Board discussion and action. Mayor Sanderson asked if the previous agreement was still in place. Attorney Cavanaugh replied in the affirmative and noted the IGA under consideration was based on the prior agreement and addresses some technical issues such as easements, water and sewerage, and the term length question, and will be happy to go back to the School Board and discuss any needed changes.*

*At this time, Mayor Sanderson opened the floor for public comment. Clarinda Vail, Red Feather Properties, agreed that a 99-year lease term was in the best interest of all parties. She noted that this IGA does not have a "duty to construct" clause based on the Council's plans for further investment and feels that it should be included in the appropriate sections of any agreement. The Mayor agreed and said the language should reflect the Town "stepping up" to invest more. Ms. Vail was eager to see the agreement in place as the Complex was of great value to the community. She feels that the agreement when completed could serve as a "precedent" for a needed agreement with the Sewer and Water District for the potable water service at the site. Also, a more coherent use scheduling system and rules to keep the usage in line with the goal of the project should be included.*

*After brief further deliberation, the Mayor asked for a motion directing Attorney Sims and Attorney Cavanaugh to amend the agreement and present the agreement for future Council consideration or action negotiated. Councilor Chavez moved the question, seconded by Councilor Schoppmann, which carried unanimously at 7:20 PM.*

## **8. DISCUSSION ITEMS**

### **A. Discussion of a request for the Town of Tusayan to adopt a Town Resolution calling upon the United States Congress and alternatively the Arizona Legislature to prohibit the manufacture, sale, and possession of “bump stocks” and similar firearms, components and accessories.**

*Mayor Sanderson introduced the request from the City of Tucson for the Town of Tusayan to consider this resolution. Manager Duthie explained that we receive request from time to time, so these requests are placed in discussion as a courtesy but do not require Council action. He further stated that this was a recent issue in the news because of the shooting in Las Vegas involving use of “bump stocks”.*

*Councilor Schoppmann began the discussion by noting that guns or gun parts do not kill people, people do, so he could not support this type of resolution. In addition, he noted that he felt there were adequate laws in place and they needed to be enforced, and further action might present a ‘slippery slope’ in regard to gun owners rights. Councilors Montoya and Chavez agreed with the statement by Councilor Schoppmann. Mayor Sanderson pointed out his agreement with the Councilors on their comments and noted responses like the media not using the shooter’s name in reporting, to deny the “glory” issue to criminals, being a good example of a proper action instead of more futile efforts. He then thanked the Councilors for the discussion of the request and, seeing no motion or further discussion, moved forward with the Agenda.*

### **B. Discussion of Community Development Block Grant (CDBG) public hearing**

*Manager Duthie informed the Council that the first public hearing for this round of CDBG funding will be held in the Council Room on December 19<sup>th</sup> at 1PM., noting the meeting had been properly noticed and directing the Council to the flyer in their packets. CDBG funds can be used for:*

- 1. Public infrastructure*
- 2. Community Facilities*
- 3. Housing*
- 4. Public Services*
- 5. Economic Development*

*The Clerk explained that the goal of the initial Public Hearing is to get ideas for projects from citizens and hoped that we get good attendance. The ideas at this meeting will form the basis for any project submitted for funding.*

### **C. Discussion of “Talk to Tusayan” event**

*Manager Duthie spoke about the initial purpose of these events was to encourage one-on-one conversations between residents and Town officials. He feels this was a good first event and conversations from the event resulted in a follow-up meeting with a couple of residents with interest in housing and the housing authority this week. This will be a good opportunity to gather and answer questions from the residents.*

*Mayor thought this was a good way to interact with citizens who don't want to or cannot attend Council meetings. Thought the ideas presented by the residents at the follow-up meeting to the event were good and this was proof that these events should occur regularly.*

*Councilor Chavez said he enjoys hearing different points of view, and based on his career in the hospitality industry really likes this type of interaction and would like to continue this type of event. Councilor Schoppmann agreed and would like to see these events scheduled every 2-3 months.*

**D. Discussion of law enforcement issues in the near future.**

*Manager Duthie said there was nothing in the packet for this item- noting that it was a last-minute addition based on concerns of Councilor Schoppmann and the attendance of Lt. Brian Tosar of the Coconino Sheriff's Office to discuss status.*

*Councilor Schoppmann notes that it has been 2 years and 3 months since Tusayan had a resident law enforcement presence. These needs must be remedied. We need to do something, because town is without a much-needed presence.*

*Lt. Tosar explained the difficulties of keeping new recruits based on the higher pay available in other jurisdictions, and noted specific problems recruiting deputies to Tusayan to live. He also detailed his concerns for the lack of presence and spoke of several issues, like the use of speed limit sign boards to assist in slowing down traffic on AZ-64 as it slows for the roundabout.*

*Manager, Mayor and Council engaged in a general discussion about methods for the town to add inducements such as additional retirement in the form of 401 K contributions.*

*Councilor Schoppmann thanked Lt. Tosar for his attendance and expressed an idea that having Sheriff's personnel attend meetings and events like the recent "meet and greet" would be appreciated.*

**E. Discussion of possible lands for sale within town limits, or airport land use feasibility, or both.**

*Manager Duthie said there was a request from Councilor Schoppmann to add this to the agenda and turned the discussion over to Councilor Schoppmann. Councilor Schoppmann said he thought it was a good idea to put feelers out to area landowners about properties that may be for sale to the town.*

*Mayor Sanderson asked if any research had been done. Manager Duthie replied that he was aware that there were a couple lots mentioned as available, but has not had any conversations about those lots but would engage in discussions if the Council had no objections. Mayor Sanderson said it should be looked into, may be a way to relocate town housing to save rents, or for development for low-cost housing.*

*Councilor Montoya mentioned previous discussion about NFS land in the forest that may be able to be used, but wasn't sure of where these were located or what happened in those discussions. Stated it may be useful for some land swap options if possible for the town to legally acquire.*

*A brief general discussion about the airport property purchase still being an option for the future was engaged briefly. Manager Duthie mentioned that contacts had been made regarding this with the involvement of Councilor's during the development of the airport master plan. Once master plan is established, ADOT has indicated willingness to discuss these matters. It should be a possibility sometime late spring next year to begin conversations. Councilor Schoppmann asked if the discussions were for use or actual purchase of the property. Town Manager explained that they had been for land use.*

*Councilor Montoya mentioned that ADOT wanted to transfer the airport to the town around the time of incorporation, but the town was not in a financial situation to take it on at the time. Manager Duthie said he'd be happy to inquire if that was the direction of the Council.*

#### **F. Discussion of public transportation available from Tusayan to Valle.**

*Manager Duthie asked if Council would mind going to agenda item "G" before beginning discussion of item "F", and returning to discussion "G", afterwards. Mayor agreed, seeing no dissent, at 8:45 PM*

*Manager Duthie began the discussion by mentioning general talk of these issues at the Intermodal Transportation Planning Group. Councilor Schoppmann talked about some employers have for their employees. Manager offered to talk to County about partnership.*

*Councilor Schoppmann and Mayor mentioned the need to support Tusayan's workforce generally in these issues, but wasn't sure of community support level since these were Valle residents.*

*Manager is going to research public-private partnership examples. Clarinda Vail inquired if this was a possible CDBG issue- yes, it is, but these are usually subsidized by the municipality long-term,*

#### **G. Discussion of internet improvement projects, to include possible options to tie into fiber.**

*Town Manager directed Council to their packets for a general overview of the Tusayan Fiber Project, noting that there are some options for hooking up the existing microwave link to the fiber network the town has funded. Manager has instructed consultant to prepare a RFP to receive proposals for getting fiber to the town by whatever means available in the shortest timeframe possible. This will allow the Council to determine to what level the town is going to underwrite and commit to doing in regard to fiber service coming into the town. These proposals will not be addressing extending the fiber service into GC Village. He reminded Council that this will in no way affect the School's eRate funding effort for their enhanced internet service.*

*Manager Duthie and Councilor Schoppmann engaged in some general discussion of costs based on previous estimates that were not addressing some current needs. Town Manager noted that this RFP will not be just for the cost of installation of the service, but for the respondents to also provide and maintain the service. Also with the expansion of access in northern AZ recently, there are new providers out there that may result in some overall savings by doing a more formal RFP in place of the basic cost estimates*

*for installation received previously by the town. Contractor is doing the preparation under their retainer agreement so no extra cost to the town for a better end result.*

*Councilor Schoppmann said he and Councilor Chavez are aware that the microwave relay can be linked into the fiber immediately by the current provider. Councilor Chavez thinks the sooner we could link into the link, the better, though he is aware that it is not the perfect solution long-term, it will make local internet more stable. Now that there is a second provider in the area, the terms will be more favorable. Councilor Schoppmann said it would be a simple radio link from IMAX to light up the fiber. Councilor Chavez pointed out that we could have multiple tie-ins from various providers once the fiber is in the pipes.*

*Town Manager said he just wants to make the internet work in the town and wants to have direction from and information to relay to the Council regarding various options. He has heard differing opinions from various sources about microwave to fiber links. Said he will move forward with directions from the council.*

*NOTE: Councilor Montoya exited the Council Room at 8:44 PM, just prior to beginning re-engaging discussion of agenda item "F".*

#### **H. Discussion of Ten X affordable housing project**

*Manager Duthie updated the Council on the submission of the tax return for the housing foundation, and current timeline. He provided recap of the meeting about the NEPA with NFS staffers on Nov. 21.*

*Town Manager also reports on meeting with APS over future power needs for 10-X.*

#### **I. Discussion of Community Wellness meeting issues**

*Not much to report from this month's meetings. These meetings are open to anyone who is interested. Meeting notes and flyers regarding upcoming activities are included in Agenda packets.*

### **9. REPORTS**

*Forest Service Deputy District Ranger Kendall Civanek apologized for the smoke that was in Tusayan about three weeks ago. They are continuing to reduce the risk of smoke in town.*

#### **A. Town Manager**

##### **i. Planning and Zoning Commission**

*Review of 6 of 21 Sections of proposed Code revisions.*

##### **ii. Administrative actions and issues**

*-Park and Ride discussions.*

*-Intermodal Group*

*-CCC Workgroup Progress- very promising.*

- Trail Agreement near completion
- Senator Allen visit
- Admin Asst. update on success of English Immersion Program
- Rotary Club Christmas Event

**B. Council Members**

- Councilor Schoppmann- Nothing
- Councilor Montoya –
- Vice Mayor Wirth -
- Councilor Chavez recent prescribed burns caused one employee to need respiratory assistance and several with general distress. Has reported issues to FS and ADEQ. He has recently been named a board member at Northview Healthcare.

**C. Mayor**

Agrees that the smoke at Thanksgiving was the worst he's seen in 15 years here. Reports that he had a very productive meeting with Senator Allen when she visited. Also spoke about the New York Times interview on the uranium mine issue.

**10. FUTURE AGENDA ITEMS**

- CDBG Public Hearing
- Floodplain Ordinance
- Sheriff's update- possible meeting with Deputy Chief
- Fiber Update
- IGA Update and Discussion for possible action

**11. MOTION TO ADJOURN**

Councilor Schoppmann made a motion to adjourn, and it was seconded by Councilor Chavez. It carried unanimously, 3-0. The meeting adjourned at 9:34 p.m.

  
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 Craig Sanderson, Mayor

01-10-18  
 \_\_\_\_\_  
 Date

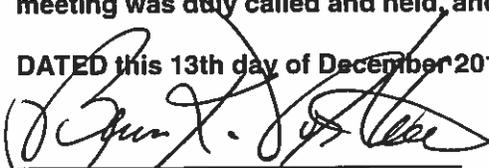
ATTEST:  
  
 \_\_\_\_\_  
 Bruce K. Northern, Town Clerk

**CERTIFICATION**

State of Arizona        )  
                                  ) ss.  
Coconino County        )

I, Bruce K. Northern, 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 October 11, 2017. I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 13th day of December 2017



Bruce K. Northern, Town Clerk