

## TUSAYAN TOWN COUNCIL MEETING

6:34 pm

June 9, 2010

*ANASAZI* Anazasi Room

Best Western Squire Inn

74 State Route 64, Tusayan, AZ

### Minutes

#### Call to order

by Mayor Pete Shearer at 6:34 pm and Pledge of Allegiance.

#### Roll Call

Members in Attendance:

Mayor Pete Shearer

Vice Mayor Greg Bryan

Council member Al Montoya

Council member Ann Wren (present by Phone)

Council member Clarinda Vail (present by Phone)

#### 3. Call to the Public for Items Not on the Agenda

John Dillon expressed thanks to the council for an evening meeting.

#### 4. Approval of Previous Meetings Minutes

Vice Mayor Bryan moved to approve the May 18, 2010 Minutes as presented. Councilmember Montoya seconded the motion. The motion passed unanimously.

Vice Mayor Bryan moved to approve the May 26, 2010 Public Hearing Minutes, May 26, 2010 Special Meeting Minutes and May 26, 2010 Council Meeting Minutes with the change on page two under Item 7, paragraph two adding the sentence "The answer was no." to the question regarding email other council members. Councilmember Vail moved to approve the three May 26, 2010 Minutes with the change made by Vice Mayor Bryan. Vice Mayor Bryan seconded the motion. The motion passed unanimously.

*Bret Koch*

~~Bret Koch~~ questioned where the minutes can be seen and was advised that we will be covering that question later in the agenda.

#### 5. Discussion and possible action – IGA with Coconino County for Police & Community Development services for period from July 1, 2010 through September 1, 2010.

A. Adoption of Coconino County Comprehensive Plan

B. Adoption of Tusayan Area Plan/Design Review Overlay

Vice Mayor Bryan discussed that it was his understanding that there would be a two-year sunset on the zoning and Tusayan Area Plan and Design Review Overlay. Mayor Shearer advised that

it was his understanding that it can be amended at any time. Discussion was held as to the desire to have a two-year sunset to make sure the commitment is in place to look at the zoning and Tusayan Area Plan and Design Review Overlay. Mayor Shearer advised that Coconino County will not enter into an IGA with the Town of Tusayan unless the current Zoning and Tusayan Area Plan and Design Review Overlay are adopted.

Councilmember Vail asked if there was some language that can be added to show that the Town of Tusayan will be working toward changing the Zoning and Tusayan Area Plan and Design Review Overlay without a sunset clause.

Legal Counsel Kolsrud noted that in Section 4 of the proposed ordinance we could add a clause to limit the Zoning and Tusayan Area Plan and Design Review Overlay.

Vice Mayor Bryan motioned to adopt a Resolution to accept the Tusayan Area Plan and Design Review Overlay and the Coconino County Zoning Ordinance. Councilmember Montoya seconded the motion. The motion passed unanimously.

Resolution No. 2010-06-09-01 was passed and adopted and three copies will be available in the Council Office.

Vice Mayor Bryan motioned to adopt Ordinance No. 2010-06-09-01 to accept the Tusayan Area Plan and Design Review Overlay and the Coconino County Zoning Ordinance to become effective July 1, 2010 until June 30, 2012 unless additional action is taken. Councilmember Montoya seconded the motion. The motion was not passed with a vote of Mayor Shearer "Nay", Vice Mayor Bryan "Aye", Councilmember Montoya "Aye", Councilmember Wren "Nay", and Councilmember Vail "Nay". No ordinance passed.

Councilmember Vail motioned to adopt Ordinance No. 2010-06-09-01 the Tusayan Area Plan and Design Review Overlay and the Coconino County Zoning Ordinance as proposed with no time frame. Councilmember Wren seconded with a comment to the Council to be diligent about making changes as needed. The motion passed with a vote of Mayor Shearer "Aye", Vice Mayor Bryan "Nay", Councilmember Montoya "Nay", Councilmember Wren "Aye", and Councilmember Vail "Aye".

Ordinance No. 2010-06-09-01 was passed and adopted and three copies will be available in the Council Office.

Legal Counsel advised the status of the IGA. The Municipal Risk Pool would not indemnify with the Hold Harmless Clause to Coconino County. Legal Counsel Kolsrud changed Paragraph 3 stating that the Town of Tusayan will indemnify and hold Coconino County harmless in the event of an action that we do and that Coconino County will indemnify and hold the Town of Tusayan harmless in the event of an action that they do. Coconino County Deputy County Attorney has not sent approval back yet, but their insurer should approve. If the IGA is adopted tonight the Board of Supervisors should adopt at their meeting on the 15<sup>th</sup> of June with maybe a little tweaking. Vice Mayor Bryan asked the Town Attorney if the Pool Agent had seen the

language being presented tonight and signed off on it? The Town Attorney said yes they had seen the revised language and signed off on it. The pool has signed off on paragraph 3.

Councilmember Vail asked if the Town of Tusayan could pay more for insurance. Vice Mayor Bryan advised the Pool was not willing to provide the \$10,000,000 limit as requested and therefore did not give us a quote. Vice Mayor clarified with Legal Counsel Kolsrud that the insurer will provide coverage if we sign the IGA with Coconino County.

Vice Mayor Bryan motioned to accept the IGA with the County pending approval of the Board of Supervisors as presented in this document today. Councilmember Vail seconded the Motion, the Motion passed unanimously.

Vice Mayor Bryan asked to clarify that any substantial changes made by the Board of Supervisors needs to come back to the Town of Tusayan before acceptance. Councilmember Vail thanked Vice Mayor Bryan for his hard work on getting the IGA worked out with Coconino County to get the Town of Tusayan going.

**6. Discussion/Possible action regarding obtaining Warrants/Tax Anticipation Notes**

Vice Mayor Bryan advised that due to our lack of financial history, none of the banks are willing to provide us with a line of credit and thus not handle warrants for us. We will have revenue coming in from the State of Arizona by July 10<sup>th</sup> providing we have a bank account. By late August we should have tax revenues coming in. It is Vice Mayor Bryan's recommendation that we hold off on getting any Tax Anticipation Notes at this time. Mayor Shearer advised that would mean we would not be able to pay off current liabilities until February and wanted to know if our creditors would wait for payment. Vice Mayor Bryan forecasts that by the end of September we will have approximately \$300,000.00 in the bank. Councilmember Vail advised that since we will also be publishing the ordinances, she said there are going to be more expenditures to the newspaper than anticipated. Discussion was held as to who would be getting paid first. Councilmembers will be deciding payments once the money starts coming in.

Mayor Shearer thanked Vice Mayor Bryan for his hard work and at this time the Council will take no action on Warrants/Tax Anticipation Notes.

**7. Discussion/Possible action regarding the Tusayan Town Council signing the Resolution of Support for the Greater Arizona Mayors Association**

Councilmember Vail asked if the Resolution included Grand Canyon West. Mayor Shearer advised it does. Councilmember Vail asked if the language was a little broad. Mayor Shearer clarified that this Support is to combine all of Northern Arizona and give us all a voice for the State Legislature or the United States Congress.

Councilmember Wren motioned that the Town of Tusayan support and join the Greater Arizona Mayors Association. The motion was seconded by Vice Mayor Bryan. The motion carried unanimously.

Resolution No. 2010-06-09-02 was passed and adopted and three copies will be available in the Council Office.

8. **Discussion/Possible action regarding Resolution for Financial Disclosure Statement**

Vice Mayor Bryan advised this was the Resolution which was agreed earlier but not adopted. Vice Mayor Bryan moved to Adopt Resolution 2010-06-09-03 prescribing Standards of Financial Disclosure for Local Elected Officials. Mayor Shearer second. The motion passed unanimously.

Resolution No. 2010-06-09-03 was passed and adopted and three copies will be available in the Council Office.

Vice Mayor Bryan asked what the next step is in the process since every council person has prepared a financial disclosure. Town Clerk will provide Town Counsel with a copy of all of the Disclosures.

9. **Discussion/Possible action regarding creating a posting for an RFP for a Housing Needs Assessment Study**

Mayor Shearer presented the RFP to the council and advised that the last amendment to the RFP was in 1996 or 1997. Vice Mayor Bryan questioned why the RFP was being presented at this time. Discussion was held as to whether this is a good time to present the RFP since the council does not have all the information needed to post for an RFP. Council to set up a work session of June 23, 2010 at 9 am to look at RFP and also look at Area Plan and Design Review Overlay and come up with set of criteria for RFP. Any suggestions from council members can be emailed to the Town Clerk and distributed to each council member.

Councilmember Wren advised that she needed to leave the meeting soon.

10. **Discussion/Possible action regarding council policy on authorization for legal expenditures**

Mayor Shearer advised that the counsel is not always able to meet in a timely manner to decide on legal expenditures. Vice Mayor Bryan brought it to the attention of the council that he thought we set policy in the last meeting that we would not expend money on legal matters unless a majority of council members approved. Mayor Shearer advised that it is not always possible to wait until a Town Council meeting to get approval. It was decided that for a minimal legal issue, each of the councilmembers may present question to legal counsel, however, a legal concern that would require a major expenditure would be presented to the Town Council for authorization. Vice Mayor Bryan clarified that it would be up to Legal Counsel to advise when an issue is a minor issue which can be researched with a minimum amount of time or will require a lengthy research project. Mayor Shearer motioned that each councilmember is authorized to ask legal counsel minor issues and major research issues will be authorized by the Town Council. Vice Mayor Bryan seconded the motion. The motion passed unanimously.

Councilmember Wren left the meeting.

**11. Discussion/Possible action regarding preparing resolution for Home Rule ballot initiative for getting it prepared for the November 2<sup>nd</sup> election for it to become effective July 1, 2011.**

Councilmember Vail asked when this would have to be decided to be on the ballot. Legal Counsel advised it would have to be ready 90 days prior to the day of the election. Legal Counsel Kolsrud advised the procedure necessary to get the Home Rule on the November 2<sup>nd</sup> ballot. A resolution must be passed by two-thirds of the council, then two public hearings on what it is you want to do, then immediately following the public hearings, must have a special meeting to deal with it, act on the proposal, then it has to be published, and then you have to prepare a packet that goes to the Auditor General which shows the expenditures for the past year, the year's income, basically have to give them a budget. They have forms to be filled out for this. The packet has to go to the Auditor General 60 days before the election. Council would need to start working on this the first of July. Mayor Shearer asked if we could have the Home Rule on the May ballot. Legal Counsel advised we could only have it on the ballot when there is an election for councilmembers. Town council to move forward to have this on the next ballot.

Councilmember Vail asked if Tom Belshe has sent the package to help the council get the Home Rule on the next ballot. Vice Mayor Bryan offered to get information from Tom Belshe as soon as possible. Legal Counsel advised Town Council would need the Ordinance at least 100 days prior to election, basically by July 15<sup>th</sup>. Would need Resolution and two meetings prior to July 15, 2010. Discussion was held on the other option Base Rate, which limits the budget to 50% of present budget, which is only allowed once. From then on the budget can only be increased by cost of living. Vice Mayor Bryan motioned that we move forward with creating and fulfilling the timeline necessary for a November Home Rule Ballot initiative and that we further research the requirements and create the necessary documents pending full counsel approval. Mayor Shearer seconded the motion. The motion carries. Councilmember Wren not available.

**12. Discussion/Possible action regarding setting days and hours for Town Clerk to be available at the Red Feather office location**

Town Clerk Teresa Weigel has come up with Mondays from 5 to 7pm and Wednesdays from 9 to 11 am and it is posted on the door. The general public can come to the office during those hours to get copies of minutes.

**13. Discussion/Possible action regarding authorization for Town Clerk/Council Member to deposit checks**

Mayor Shearer asked that we create a procedure for depositing funds and keeping records of revenues and expenditures. Mayor Shearer advised that we have a volunteer from the Sanitation District that will assist in setting up Quickbooks to track revenues and expenditures. Vice Mayor Bryan suggested that once the Town gets money, we should purchase the Municipal Government Software which is about \$40,000. Mayor Shearer asked if the money can be pulled from Capital Expenditures when money starts coming in and Legal Counsel advised that can be done.

Vice Mayor Bryan updated council on status of opening a bank account. Vice Mayor Bryan used his personal social security number to open account. Will need a letter from Town Council authorizing Chase Bank to open account and each councilmember will need to sign signature

cards with two signers on all checks. Town of Tusayan also has an EIN number now as well. Vice Mayor Bryan also advised that the Town Council now has a box at the post office. Vice Mayor Bryan asked to have a procedure on record as to how bills will be approved and paid.

Councilmember Vail motioned to open bank account with Chase and that all five council members be signers on the account. Vice Mayor Bryan seconded. The motion passed unanimously with Council-member Wren absent from vote. Vice Mayor Bryan indicated that each council member will go to bank with two forms of ID. Vice Mayor Bryan offered to act as Treasurer until a permanent Town Manager/Town Clerk is hired.

Discussion was held as to starting the collection of \$10 from every business starting July 1, 2010. Council will start a process for the collection of money from business licenses.

14. **Discussion/Possible action regarding setting cost for public copies of records**

The council discussed examples from other towns, cities and counties, from \$.10 to \$1.00. Emails can be sent to the public for free.

Councilmember Vail put on record that she is keeping track of the number of copies she has made and the postage she has expended. The public can bring their own copier for large amounts of copies.

Vice Mayor Bryan motioned to charge \$.25 per page for copies. Councilmember Vail seconded the motion. The motion passed unanimously with Councilmember Wren absent.

15. **Set Agenda Items for next meeting**

Work session for RFP for Housing Study; Home Rule Initiative; Business License Collection Procedure; Policy for telephone conferencing and everyone having the same paperwork. Set a policy as to setting limits for telephone conferences for meetings allowed. Vice Mayor announced that he has spoken with John Harper and the Highway 64 renovation has been postponed until next year. Meeting next Tuesday to talk about plans, dealing with Environmental issues right now. Will have only one year of construction and not two. Advise to get in touch with ADOT before making any landscaping changes. Add lighting to the next agenda. Councilmember Vail left the meeting.

16. **Executive Session regarding Lawsuit**

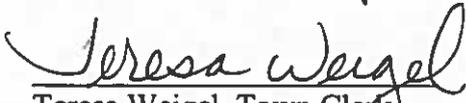
No executive session was held.

////  
////  
////  
////  
////  
////  
////

17. **Adjournment**

Vice Mayor Bryan moved to adjourn the meeting at 8:20 pm. Councilmember Montoya seconded the motion. The motion carried unanimously with Councilmembers Vail and Wren absent.

Respectfully submitted,

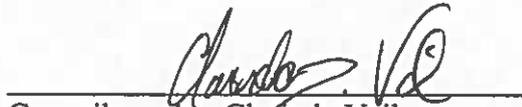
  
\_\_\_\_\_  
Teresa Weigel, Town Clerk

Dated: June 23, 2010

  
\_\_\_\_\_  
Mayor Pete Shearer

  
\_\_\_\_\_  
Vice Mayor Greg Bryan

  
\_\_\_\_\_  
Councilmember Al Montoya

  
\_\_\_\_\_  
Councilmember Clarinda Vail

  
\_\_\_\_\_  
Councilmember Ann Wren