

TUSAYAN TOWN COUNCIL MEETING

September 8, 2010, 5:00 p.m.
Best Western Squire Inn, Zuni Conference Room
74 State Route 64, Tusayan Arizona

MINUTES

1. Call to Order

Called to Order by Mayor Pete Shearer at 5:03 p.m. and Pledge of Allegiance was said.

2. Roll Call

Members in Attendance: Mayor Pete Shearer, Vice-Mayor Greg Bryan, Council member Al Montoya, Council member Ann Wren, Council member Clarinda Vail

3. Call to the Public

The Mayor asked the public if anyone would like to address the Council on a matter not on the agenda. No response from the public.

4. Approval of Meeting Minutes

Council member Wren moved to approve the Special Meeting of August 19, 2010 Minutes. Council member Vail seconded the motion. The approval of the Minutes passed unanimously.

Council member moved to table the August 31, 2010 Public Hearing Minutes due to the Executive Session agenda item needing to be removed and made its own minutes. Council member Wren seconded the motion. Council members unanimously agreed.

Attachments are needed for the town clerks book and Council member Vail will get them to her.

5. Administrative/Treasures Report

a. Finance Report

Vice-Mayor Bryan submitted a report (see Attachment "A") on outstanding invoices and informed Council that the invoices that were approved at the last meeting were paid; \$11,901 to Moyes Sellers & Sims and \$30,297 to Clark Hill, leaving a total of accounts payable \$126,596.27. Received a payment from July excise taxes for approximately \$45,000, which leaves about \$108,000 in the bank. Received a couple of business licenses. Lorraine Jones will help Vice-Mayor Bryan with reconciling the sales tax and to what month the amount belongs to. Elaine Smith with ADOT will contact Vice-Mayor Bryan regarding HURF funds as well as the Urban Revenue Funds and their decision to what they are going to do with the census certification numbers. Vice-Mayor Bryan will update the Council at the status when he hears from the Departments.

Mayor Shearer asked Vice-Mayor Bryan if he found a form that the Council could use for reimbursements. Vice-Mayor Bryan said he would find one and email it to all Council members.

b. Williams Magistrate – discussion and possible action

Mayor Shearer asked if there had been any updates on the issue of the Williams Magistrate. Vice-Mayor Bryan indicated that he was advised by the Council to let Judge Sutton know that it would be three to four weeks before the Council got back with him depending on the Town's financial status.

6. Ordinance for Planning & Zoning Commission Structuring – discussion and possible action

Mayor Shearer stated that the Ordinance was spoken of at the last meeting and the amount agreed upon by the council was seven members. Upon adoption of the Ordinance, each Council member will select one

individual to serve as a member of the initial P&Z Commission; additionally each Council member will nominate one additional individual for possible selection by the Town Council. The Council will select by lot, two individuals from the 5 additional nominations as members, with a 3-year term and 6-year term.

Council member Vail responded with picking a P&Z Commission it needs to be a very thoughtful, due-diligent process.

Council member Montoya responded that a standard questionnaire be established, so that all Council members are asking the same questions. Vice-Mayor Bryan suggested that a work session of interested candidates appear in front of the entire Council.

Council member Vail moved to approve Ordinance #2010-09-08-01, Planning & Zoning Commission Structuring. Council member Wren seconded. Motion passed unanimously.

7. Hours for Town Clerk Accessibility – discussion and possible action

Mayor Shearer asked Pam Parsons, the volunteer town clerk as to her preferred clerk hours. She mentioned that anytime Monday through Thursday is good with her. The Town Clerk and the Council agreed that Tuesday's from 9 a.m. to 11 a.m. and Thursday's from 9 a.m. to 11 a.m. would be the hours for Town Clerk accessibility. Vice-Mayor is willing to support her hours and will use the administrative desk at the Best Western for tasks needed. Mayor Shearer thanked the Town Clerk for her willingness to help.

Vice-Mayor Bryan moved to approve Resolution # 2010-09-08-01, Hours for Town Clerk Accessibility. Council member Montoya seconded. Motion passed unanimously.

8. Creation of the Town Fire Ordinance – discussion and possible action

Mayor Shearer informed the Council that Robert Evans, the Tusayan Fire Chief, had made suggestions to the Ordinance that would fit the Town's needs. Legal Counsel advised the Council that what they received was an Ordinance already passed and that the Town would adopt the fire restrictions made by the Forest Service and his was a resolution. A resolution is unnecessary and the ordinance was restructured and acts as an automatic trigger so anytime the Forest Service puts a fire restriction into place, those are applied to the Town so they wouldn't have to take any action each and every time the Forest Service did. The town would be in parity with the Forest Service and their restrictions.

Mayor Shearer asked Legal Counsel if this took in effect Coconino County or just the Forest Service. Attorney replied it is only the Forest Service.

Vice-Mayor Bryan wanted to know that by passing the Ordinance, it obligates the Town to conform to the Forest Service and/or the National Park that when they declare a fire restriction or a state of emergency or could the Council decide to not enforce the ban by taking a different action. Legal Counsel said yes the Council could choose by action to not enforce the ban.

Vice-Mayor Bryan moved to approve Ordinance #2010-09-08-02, Town Fire Ordinance. Council member Wren seconded. Motion passed unanimously.

9. Creation of a Town Ordinance regarding requirement for Submission of Development Plans – discussion and possible action

- a. **Tusayan Fire Department**
- b. **Grand Canyon Unified School District**
- c. **South Grand Canyon Sanitary District**

Mayor Shearer stated that the Ordinance was tabled at the last meeting due to not enough time for all Council members to thoroughly review.

Vice-Mayor Bryan suggested that due to section 1 giving such broad leverage to all 3 entities over the entire plan there should be put in the Ordinance somewhere stating . . . if it's relative to their area of expertise.

Mayor Shearer informed Vice-Mayor Bryan that this should be a communication tool and that the entities are being made aware of any future planning.

Council member Wren stated that she didn't believe that the individual should have to notify each entity and make them aware of the plans/construction that they are going to be doing.

Council member Vail stated that as long as they are given the information and don't respond it's obvious that the entity doesn't have a comment on the plan.

Council member Vail asked Legal Counsel briefly what all Item #2 includes. Legal Counsel informed the Council that a General Plan is a statutory term for a Town for planning purposes.

Vice-Mayor Bryan asked if it would be necessary to provide all three entities a complete set of the plans. Mayor Shearer responded by stating that depending on the construction would depend on the size/set of plans needed to submit to each entity pertaining to them individually.

Vice-Mayor Bryan stated that if the P&Z Commission is given a clear, strict set of guidelines and checkpoints, that when plans are submitted they would know exactly what steps to do.

Ginger Booth, PO Box 3385, Grand Canyon AZ, stated that she is not aware of all P&Z issues but she agrees that the entity that the plans pertain to needs to be made aware of. Inclined to go with what Council member Wren said that the individual should notify all the entities because they might not be aware of who should be contacted. When the individual submits the application to the P&Z Commission, they in turn should notify the entities, not the person submitting the application.

John Thurston, 291 RP Drive, Tusayan AZ, stated that in the past, the County would sit in their office and approve applications and then the Sanitary District didn't have any heads up on it, so then they have to start planning on future development because they hadn't been informed in a timely manner. Once the County approves an application its final. That's a potential issue in the future.

Council member Vail stated that the Grand Canyon Schools had dealt with the same issue as well with the County with major projects that were approved and were told that someone was participating at the time. Yes someone attended the meeting but weren't participating.

John Thurston responded that the Council needs to make sure, the P&Z Commission communicates to all the entities and there's some kind of mechanism of communication in place; so they just can't approve an application and it doesn't matter what the Fire or Sanitary District says. If not, it could impact the future development they (the entity) would have to develop and the cost of that project.

Clayann Cook, Canyon Pines 28, Tusayan AZ, explained to the Council that over the last 2 years she has had experience submitting items to P&Z in Boulder City NV. Boulder City had a hard copy very specific check list that is given to the individual to take out your plans to begin with step-by-step. All the required documents were then submitted to P&Z and they in turn gave the plans to the specified entity.

Vice-Mayor Bryan stated to the Council that he thought they were piece-milling the document. He agrees that there are legitimate concerns and there are gaps and items that are important. He suggested making a commitment to begin a specific checklist to be used by the Towns P&Z Commission and advice within the next 30 days if any plans are submitted to the County's P&Z.

Council member Wren stated that she agrees with an ordinance like this one however not this particular one. Like Vice-Mayor Bryan stated, it needs reviewed and reworked before it should be approved. She suggested this item be tabled and put on the next agenda.

Mayor Shearer informed all Council to review the Ordinance thoroughly and email any suggestions to the Attorney and in order to have a consensus by the next meeting.

10. Intergovernmental Agreement with Coconino County – discussion and possible action

Council member Wren informed the Council that the County wants to include all the attachments and have it has one IGA (law enforcement, animal control, etc). The IGA to extend law enforcement until October 1st, 2010 has been signed. The IGA states that if the County is not notified 120 days before the end of the year, it is automatically renewed. Vice-Mayor Bryan stated that 30 days or even 90 days to notify an entity of cancelling a contract is not professional or fair. Council member Wren agreed. Vice-Mayor Bryan suggested giving a 90-120 days timeframe to cancel the contract. As a new town a contract needs to be flexible.

Council member Vail stated that she believes the County stated it like that, because of their fiscal period. She believes they wouldn't want to hire the employee's and then half way through the year, a Town cancels a contract with them leaving employees out of work.

Mayor Shearer stated that he feels an annual contract is not much of an issue. But he does see both sides of Vice-Mayor Bryan and Council member Vail's concerns.

Council member Wren informed the Council that negotiations are not finalized with the County. The IGA that is in front of the Council is only a draft and nothing in stone. It was however given to the County through Legal Counsel.

Vice-Mayor Bryan suggested going with this particular draft except insert a termination clause of 120 days notice by either party. Mayor Shearer is not in agreement; he feels the 1 year agreement is not that long of a

time frame but will go with the majority.

Mayor Bryan stated that he feels “handcuffed” with a document that was submitted to an entity in the behalf of the Town Council which was never seen. In order to be in a consistent position as a Council and before any document be sent to another party the papers should be reviewed in depth and approved by the Council. Council member Wren stated that she feels party to blame because Kathy with the County had contacted her and asked if it could be sent to her.

Vice-Mayor Bryan made the motion that a 120-day cancellation period without cause by either party be added to Item #5. Council member Montoya seconded. Council member Wren suggested that the 120-day could be give at anytime. Motion fails by a 3 to 2 vote.

Building Department and the Planning Community Development Update

Council member Vail informed the Council that Bill Towler, Director of Coconino County Community Development Office was unaware of what Ordinances and Resolutions had passed by the Town so he didn't know if he wanted to go past October 1st. After Council member Vail found this out, she asked Legal Counsel to provide information to Michelle D'Andrea as far as minutes, Ordinances and Resolutions, and so forth as to what had been passed by the Town so they knew the time period regarding the IGA what existed so they could form an opinion. The conversation Legal Counsel had with the County narrowed it down to what services the County anticipates being provided to the Town at this point, possibly law enforcement, election services which there is already an IGA and the Records Office is happy to enter into another one when the time is needed. Discussion took place of maybe the assistance from the County being involved with helping the Town with community parks, and Community Development Services. Michelle D'Andrea responded that without firm legal authority the County could not provide some of the planning services, however, they could provide subdivision services which there's a specific Statute for that. Their question to the Town Council, is two-fold: (1) First, could conditional use permits possibly be something that the Towns P&Z Commission handle rather than the County because they're finding a lack of authority to be able to make needed decisions. (2) Secondly, if the Town would be looking to appoint some type of hearing officer for zoning enforcement actions, whether it be the town manager, P&Z Commission, or the Council itself. The County would like some feedback to help them decide exactly what public services could be provided. Michelle D'Andrea met with Bill Towler to discuss the issue and then will respond to Legal Counsel.

Vice-Mayor Bryan informed Council that he had contacted a few entities - engineering firms, that provide the same type of services and he will be expecting responses from them in the next week or so. In the event the County can't or doesn't want to continue providing services, there will options the Town can research.

Mayor Shearer asked Legal Counsel if the County would be interested in just contracting the law enforcement services. Legal Counsel informed the Council that the County has given no indication that it is all services provided or none at all. Mayor Shearer reminded Council that the time is running short due to the October 1st termination of services from the County, therefore by that date the services need to be in place. He asked Vice-Mayor Bryan to gather the proposals from the other entities that are interested before the next meeting so they could be reviewed by the Council.

11. Ordinance for a Town Manager Position – discussion and possible action

Deadline for applications being received is September 30th for the town manager position. Vice-Mayor Bryan posted the extension date on the Leagues site, however, he did not post it on the National League Site due to having to have it posted for 1 month and that would put it past the deadline date. The Ordinance refers to the job description also.

Vice-Mayor Bryan stated that he approves the ordinance with a little refinement done. He informed that there have been 27 applications turned in from interested individuals. He feels that the Council needs to be diligent and thorough in selecting the correct person for the Town.

Council member Vail suggested a couple people work on revising the job description with the added suggestions that Bill Morrison and other Council member's made.

Vice-Mayor Bryan will email Council the copy with notes and comments on it for review. Vice-Mayor Bryan and Council member Vail will work together to revise the job description and submit to Council at the next meeting.

Mayor Shearer asked the Council to have all comments and suggestions to Vice-Mayor Bryan no later than Monday morning.

12. Resolution for Housing Committee – discussion and possible action

This Resolution will create a Housing Advisory Committee and then at the next meeting the individuals will be appointed. The committee will be a team of 10 individuals. Currently there are 10 applications for 10 seats. The Town Clerk will scan the written applications that were turned in and email to each Council member and Vice-Mayor Bryan will email the applications from the site.

Council member Wren suggested that each Council member submit 2 names to the town clerk and if there are any duplications, she will contact the members that had the duplicate names to resubmit their choice.

John Thurston stated that he had submitted an interest application for the Housing Committee and the P&Z Commission, however his preference is to sit on the P&Z committee.

Council member Vail asked Clayann Cook if she would give the town clerk the entire packet of questionnaires that was turned in by individuals at the last Town Hall meeting.

Mayor Shearer reminded Council and public that the Town Hall meeting is being held on September 16th at 6:00 p.m. in the Zuni Conference Room.

Council member Vail moved to approve Resolution #2010-09-08-02. Council member Wren seconded. Motion passed unanimously.

13. Town Site Act – discussion and possible action

Mayor Shearer and Council member Vail met with Angela Parker with the Forest Service regarding a Town Site Act and she informed them that there are other things that need to happen. A survey and a site development plan. With that said, some expenses need to be spent – approximately \$2000 for the site surveyed and development plan completed. The survey and plan doesn't have to be in detail, just showing locations of parks, flood retentions, buildings and housing open spaces in order to justify a need for the amount of land requesting. The Council needs to decide whether to spend money and further this plan. There are community members that are interested throughout the town and school willing to step up to do this in a hurry if need be. Mayor Shearer opened up the topic for discussion.

Vice-Mayor Bryan stated that he received an email from Mayor Shearer indicating that he asked Legal Counsel to bring forth a draft of an application for the Town Site. And, no mention in the email of the cost of that and secondly Vice-Mayor Bryan was unaware that applications were being submitted at this time and how that got authorized. Mayor Shearer stated that he understood from the last meeting that he and Council member Vail were authorized to meet with the Forest Service to discuss what steps and directions needed to be taken for this to happen quickly, as this was a priority with the community and was basically the only land that can be developed for housing.

An initial draft application was brought forth by Legal Counsel. As requested by Mayor Shearer, pursuant to Town Policy 1.1 and the Mayor's role as Chief Executive Officer of the Town (A.R.S. Section 9-236), the Town Attorney contacted the Forest Service requesting a form or similar document they use for an application and then prepared the draft application. The Town Site Act application is in accordance with the Forest Service and is largely a narrative and is being presented to the Council for review, make corrections, additions, etc. Mostly it is in need of the additional exhibits (site survey and development plan).

John Thurston stated that as a member of the community there is no down side to a Town Site Act, maybe a little time and money, but in the future it is going to do nothing but benefit the Town; and if anyone disagrees please speak up.

Mayor Shearer stated that he thought they had Councils support and in order for the Council not to hit a dead end, research it further, get a draft, and if it didn't go any further, the benefits are immense and would create a brighter future for the Town.

Joseph Fortenberry, 19 Buck Lane, Tusayan AZ, informed the Council that at the last Town Hall meeting the Town site Act was not a high priority and to spend tax payers' dollars should not have happened without the full consent of the Council. He further stated that he believes that no more money or time should be spent on this.

John Thurston would like Council to know that he believes the most important part of the Town Site Act is providing land for housing.

Ginger Booth, stated that she was confused because she thought that when the plan is filed it should have to include where the houses would like to be put before it is proposed to the Forest Service; and the Town doesn't even know that yet. Mayor Shearer explained that houses, parks, buildings, flood control, infrastructure, etc.

will be designated in the application.

Council member Wren agreed that housing is such an intricate part of the town Site Act and it is the only thing put on the table it needs to be pursued quickly.

Mayor Shearer mentioned that the private property within the Towns boundaries is valuable and he doesn't foresee affordable housing made available anytime soon. That land could be used for higher end developments and become more valuable. To receive a Town Site Act, would give the residents from the Park and Valle residents a chance to become part of the community. Mayor Shearer stated that Angela told him and Council member Vail that once the Town became incorporated, we would be the regional housing solution and the Council needs to step up to the plate and in doing that would be to apply for land through the Town Site Act.

Clayann Cook stated that she agreed with John Thurston in that the Town Site Act is a very valuable opportunity for available land and it needs to be considered and act on it. However, there is no P&Z or Housing Advisory committee and there's been no community meeting deciding what the community wants to "look" or be designed like. There are too many factors that need to be decided on before we get into this too deep. She believes that the Council is jumping ahead of their selves.

Council member Vail stated that she was also unaware of the Town Site Act application being submitted. There was a meeting with the Forest Service, and now the Council can look at the application and review it and if it is a starting point, great, if not, then we'll go forward. Council member Vail made a comment to Joseph Fortenberry that the Town Site Act was rated #3 on the questionnaire given out at the last Town Hall meeting. It's a work in progress, still looking at the options, she feels there is quite a few residents that believe it's a good thing in the future, but not at this time and moment.

Ginger Booth is not against the Town Site Act, however she feels that the cart is being put before the horse. She believes that an entire community meeting needs to be held to get input from the entire community, in and around Tusayan, before the application is submitted.

Mayor Shearer has been told by several people in the last several years that the Forest Service has been approached with several projects in trying to acquire land, and now being incorporated it can be done and it would be a long term plan. Studies and research definitely needs to be completed however to move forward, Mayor Shearer would like the land to be surveyed and the site development plan be worked on. It would cost approximately \$2000 but in the scheme of things, it could move things forward and once the decision is made to start building the plan would be ready.

Joseph Fortenberry stated that this would be unfair to begin this study before having a meeting with the residents of Tusayan, the Park and Valle residents. He feels there should not be another dime put into this project until that happens. Mayor Shearer stated that this has been the only development plan that has been brought forth. Joseph reminded him that at a couple of Town Hall meetings back, a plan was presented to the attendee's there for questions and suggestions.

Brent Kok, #8 Memory Lane, Tusayan AZ questioned that the Tusayan Area Plan which was done in 1999 whether that could be used as a guideline and starting point instead of going out a spending around \$50,000. Brent questioned Mayor Shearer who had early stated that the Township Act could be done in less time with less money than another process. Mayor Shearer responded by saying that until applications are submitted there is no answer to costs and length of time of project.

A conversation ensued between the Mayor Shearer and Vice-Mayor Bryan regarding use of the Town Attorney. Vice-Mayor Bryan asserted that a policy was implemented so no major legal fees were to be spent without the entire Councils approval. Mayor Shearer challenged Vice-Mayor Bryan why he authorized legal fees for the day of the election. Vice-Mayor Bryan informed Mayor Shearer that he did not authorize anyone from Legal to work a table at the August 24th election and asked Legal to have Attorney Russ Kolsrud attend the next Council meeting to discuss this issue. Vice-Mayor Bryan questioned Mr. Kolsrud about it and he said that if was a question of funds Legal would take care of it.

Vice-Mayor Bryan informed the Council that he is not saying the Town Site Act doesn't have value and he's not saying it won't be a benefit to the Community. But other avenues have not been exhausted. Expenses put into this are not a wise choice when there are many other things are needed first, like staffing and other issues that are foundational.

Vice-Mayor Bryan stated that he is opposed to spending money at this time, at this juncture on putting forth an application and further legal work on the Town Site Act.

Council member Vail wanted to make a comment to what Brent had said. To even open the door, there has to be something formal - evaluations and so forth.

Brent Kok responded that opening a door with a government agency when it needs to start with opening the

door as a community with a plan, not as a couple members of Council because that could ruin it for the entire Town. He wants to make it clear that if money is being spent without total authorization from the Council and the Community that is a big mistake.

Mayor Shearer responded by saying that Tusayan became incorporated because people wanted housing and we as a Council are looking at every option to move that forward.

Ginger Booth asked what the status was on the Housing Assessment Team being hired. Mayor Shearer responded by saying that they are just looking at the residents in Tusayan and what the housing needs are, not the other people outside the boundaries and that they might want to move into Tusayan and own their own home.

Council member Vail agreed with Ginger Booth in that the RFP with the Housing Assessment Team is critical and that should be the first step. She feels that the Town is not at the stage of needing surveys or such but waiting for the assessment and looking at the results in black and white.

Joseph Fortenberry asked Mayor Shearer what the work from the Attorney cost. Mayor Shearer had no clear answer, but somewhere around \$1,000 and 5 hours. Joseph then asked how many acres were requested for the Town Site Act. Mayor Shearer responded with 160 acres total use. Initially we began at 10-20 acres, then increased it to 60, and currently, 160 acres. The actual acreage needs to be decided as a Council and Community how much land is really needed. Requesting for more land than is needed is far better than not asking for enough in the future.

Vice-Mayor Bryan is concerned because probably 2 months ago Mayor Shearer brought to the Council and the Community his dreams of a 2nd park and 20 acres for a Town Site Act, and now it's up to 160 acres. Now instead of the Council agreeing and saying that this is the direction we want to go, we don't know what it is the Mayor is spending money on and developing an application which potentially could commit the Town. Vice-Mayor Bryan is very concerned. Vice-Mayor told Mayor Shearer that he does respect his dream, but he's not speaking for the whole Council and not the whole Town. He speaks for a contingent of the town but not the majority.

Vice-Mayor Bryan asked Mayor Shearer that before committing the Towns funds and in keeping with the Finance Policy Council he should get permission because it's a 5-person Council. Mayor Shearer responded saying that the Council gave him permission to continue researching options for available land and the Policy states that the Mayor may pursue avenues that is in the Mayors judgment beneficial to the Town. This proposal is for the Council to review and decide how much land needs to be requested or should the process be halted. There had to be some research done in order to see what the process was and if it goes nowhere, that's the Council's decision. Vice-Mayor Bryan responded by saying that it wasn't the Council's decision it was the Mayor all by himself.

Vice-Mayor Bryan suggested that the process of the Town Site Act until the Towns finances are stable and as a Community we can gather more information and that this is not the only option for affordable housing.

Council member Wren moved to table the Town Site Act. Council member Vail seconded and said that the Housing Assessment should be completed and reviewed first. Motion passed unanimously.

14. ADOT Agreement for Maintenance on the Bus Shelters – discussion and possible action

Mayor Shearer stated that the National Park Service is building the bus shelters, however, they don't want the continued maintenance on them. ADOT wants the Town to address that if major damage is done to one of them, is the Town going to step up and take care of repairs. Legal Counsel informed Council that ADOT has not responded after sending the initial draft. The initial draft clearly was between the National Park Service and ADOT and the Town was an afterthought. The issues regarding maintenance, ownership, and advertising capabilities were not addressed.

Mayor Shearer asked Vice-Mayor Bryan to contact the Towns insurance company to see if there is coverage if the Town should decide to take over the maintenance and the responsibility of the bus shelters.

Council member Vail asked if there was any precedence because the shelters are in the ADOT right of way and there are concerns regarding the outside of curb. This seems like this is the first item that is inside a curb that ADOT doesn't seem willing to take care of.

Mayor Shearer informed Council that the Town has already agreed with ADOT that the maintenance of sidewalks and upkeep of landscape will be the Towns responsibility.

The Council will continue working with ADOT on the agreement.

15. Canvassing of Election from August 24th Primary – discussion and possible action

Mayor Shearer asked about the timing and wording on the ballot regarding the staggered terms. By statute the voters had to approve the terms before it was put out for a staggered term election.

Vice-Mayor Bryan responded by saying that the requirement of the staggered terms was on the ballot and the fact that if that didn't pass by the voters, then the Council would all go to a 2-year term thus complying with current law. Then in 2 years, all 5 Council members would be up for reelection.

Mayor Shearer stated that the ballot read differently than what was voted on by Council. Vice-Mayor Bryan informed him that nothing was changed and that the entire Council signed off on the ballot language and it wouldn't have been printed if it hadn't been approved.

Legal Counsel informed the Town Council that Statute doesn't require a Resolution however the County asks for it so there is a document in writing. The Resolution that was provided to each Council member stated that each Council member received the unofficial results provided by the County which was emailed by Legal. The County looks to the Council as the governing body to determine that the results are official.

Vice-Mayor Bryan moved to approve Resolution #2010-09-08-03, Canvassing of the Election from the August 24th Primary. Council member Montoya seconded. Motion passed with Council member Vail abstaining from voting.

Legal Counsel informed Council that since the election has been made, canvassed the election and declared winners, the in-coming Council will be presented with Certificates of Election that are effective as of the General election so they're deemed elected as of November 2, 2010, and they're not required to go on the ballot.

The new in-coming Council is required by Statute to meet and elect a new mayor within 20 days of being declared elected. Therefore, anytime between November 2nd and November 22nd take their new position, sworn in and a mayor appointed.

Council member Vail asked if the Town Clerk could get all the new council members emails to where all agendas and such could be emailed to them. She feels that this will make the transition smoother and familiarized with the proceedings of the meetings.

Vice-Mayor Bryan, based upon an earlier discussion regarding abstention votes, asked Council member Vail if she could briefly state why she abstained. She responded by saying just because she chose to and she doesn't want to share why.

16. Policy on Abstention and Tied Votes – discussion and possible action

On the Policy of votes, the biggest issue seems to be Tied Voting. Roberts Rules of Order states that a tied vote is a no vote, however, some towns go with a tied vote is a yes vote. Council member Wren would like to go with Roberts Rules of Order whether you abstain or a tied vote it should go to a no. Vice-Mayor Bryan responded that an abstained vote is a vote that doesn't count. Mayor Shearer agreed with Council member Wren to go with the Roberts Rules of Order.

Vice-Mayor Bryan responded that there is a significant difference for a reconsideration of the item to be voted on again in the future. An abstain does not take a position and he was wondering therefore whether tht could bring up a failed vote in the future for reconsideration.

Vice-Mayor Bryan moved to approve the Policy #1.3, Voting Procedures. Council member Vail seconded. Motion passed unanimously.

Council member Wren excused herself at 7:30 p.m., as she had a prior engagement.

17. Agenda for Next Meeting

Ordinance for Planning & Zoning Commission structuring, Creation of a Town Ordinance regarding requirements for submission of development plans, Intergovernmental agreement with Coconino County, Ordinance for Town Manager position, Resolution for Housing Committee, ADOT agreement for maintenance on bus shelters, Anasazi and Hydro Water Resources.

Vice-Mayor Bryan moved for a Call to the Public. Council member Vail seconded. Motion passed unanimously. Tom Martin, PO Box 30821, Flagstaff AZ 86003, Physical Therapist, Grand Canyon Clinic,

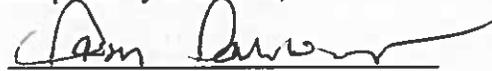
wants to make the Council and Community aware that Physical Therapy has been given 90 days to terminate services beginning September 1, 2010. The Therapists have been given an opportunity to present an alternative plan to North Country Senior Management to continue P.T. in the future. Tom expressed his gratitude and if you are in support please let Senior Management know, due to the Public not being invited to this meeting on the 21st. Would like to close by saying thank you Council members and Community for your support. Council and Community thanked Tom for his attendance and dedication to the Community.

Vice-Mayor Bryan asked Council if a telephonic special meeting could be scheduled for Thursday, September 16, 2010 at 5:45 p.m. to give encouragement and support for the Therapists. Creating a Resolution to Supporting the importance of value and need of physical therapy in the Community of Tusayan and based upon the number of people we feel it's a very important need and service that needs to be continued. Vice-Mayor will work with Legal on the Resolution during the week and email to Council. Council asked Tom Martin to get the contact information to Council members so the Resolution of Support of Physical Therapy will be received by Senior management in a timely manner.

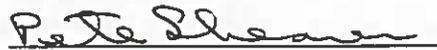
18. Adjournment

Vice-Mayor Bryan motioned to adjourn the meeting. Council member Vail seconded the motion. The motion passed unanimously to adjourn the meeting at 7:49 p.m.

Respectfully submitted,



Pam Parsons, Town Clerk

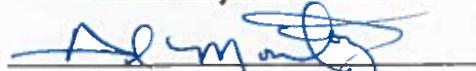


Mayor Pete Shearer

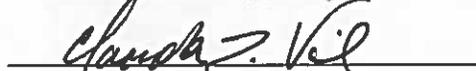


Vice-Mayor Greg Bryan

Dated: 10/13/10



Council member Al Montoya



Council member Clarinda Vail



Council member Ann Wren

TOWN OF TUSAYAN
September 8, 2010

LIST OF OUTSTANDING INVOICES

Moyes Sellers & Sims

Billing through 5/31/10	\$42,697.62
Billing through 6/30/10	\$ 4,907.50
Paid 9/3/10	<u>(11,901.00)</u>
Total due 9/3/10	\$35,704.12

Clark Hill

Billing through 4/30/10	\$33,968.00
Billing through 5/31/10	\$26,436.91
Billing through 6/30/10	\$32,086.24
Billing through 7/31/10	\$28,698.00
Paid 9/3/10	<u>(30,297.00)</u>
Total due 9/8/10	\$ 90,892.15

Total Accounts Payable 9/8/10	<u>\$126,596.27</u>
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