

# MINUTES

## TUSAYAN TOWN COUNCIL WORK SESSION MINUTES

PURSUANT TO A.R.S. § 38-431.02 & §38-431 .03

Wednesday, March 31, 2021 at 11:00 a.m.

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, March 31, 2021, 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 meeting.

Persons with a disability may request a reasonable accommodation by contacting the Town Manager at (928) 638-9909 as soon as possible.

*As a reminder, if you are carrying a cell phone, electronic pager, computer, two-way radio, or other sound devices, we ask that you silence it to minimize disruption of today's meeting.*

## TOWN COUNCIL WORK SESSION MINUTES

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

Mayor Clarinda Vail called the meeting to order at 11:00 AM and led the group in the Pledge of Allegiance.

### 2. ROLL CALL: *One or two Council Members may attend by telephone*

MAYOR CLARINDA VAIL  
VICE MAYOR BRADY  
HARRIS

COUNCILMEMBER ROBB BALDOSKY  
COUNCILMEMBER BECKY WIRTH  
COUNCILMEMBER GREG BRUSH

Present: Mayor Clarinda Vail; Councilmember Becky Wirth; Councilmember Greg Brush; Councilmember Robb Baldosky

Not Present: Vice Mayor Brady Harris

A quorum was present.

Staff Present: Town Manager Charlie Hendrix; Town Clerk Dalia Lopez, Finance Clerk/Bookkeeper Marla Wortmann

### 3. CONSENT AGENDA

#### A. Invoice List

**Moved by Councilmember Baldosky, Seconded by Councilmember Brush. Motion to approve the consent agenda. Vote 4-0. Motion passed.**

### 4. WORKSHOP ITEMS

A. Informational and work group session with representatives from Stilo and the Tusayan Sanitary District regarding Kaibab National Forest Special Use Authorization Permit. (60 min)

Mayor Vail asked the presenters to authorize one person to speak on behalf of each organization. Pete Sheare deferred any questions or comments to Steve Wene, attorney for the Tusayan Sanitary District ("TSD"). Ms. Dawn Meidinger, presented herself as counsel on behalf of Stilo.

Discussion began as Mayor Vail asked about the Westland contract and the letter that was sent to the Town. A copy of the documents is available to the public through the Town's website. Town Manager Hendrix clarified forest service stance that they would not move forward until the Town made a decision regarding Stilo. Mayor Vail directed her question to Mr. Wene regarding the letters from the forest service on the application. Mr. Wene explained TSD's stance on the special authorization permit to Stilo. They would like to see collection lines and improvements made so that the water is treated and recycled and stated they would like some transparency from Stilo to adequately prepare for what Stilo plan to build. Ms. Meidinger recognized that TSD have a responsibility, but they have no ability to know yet because they haven't received authorization from the Forest Service to give any data to them. Ms. Meidinger asked for the assistance from the Town to move the NEPA process forward by jointly responding to the Forest Service letter.

Considerable conversation on each stance continued as Councilmembers questioned each side regarding zone density. Ms. Meidinger stated that it is something that could in theory be calculated however it is not available at this time. Vice Mayor Harris asked if the zone density requirements are given to every landowner by TSD, Mr. Wene simply stated they do.

Conversation between councilmembers regarding Tenx and NCOG requirements.

Town Manager clarified Forest Service letter regarding the NEPA contractor, Forest Service approved the NEPA contractor, but no contract was established. Forest Service will have a memorandum of understanding with that contractor and are now waiting on an adequate response to the February 12<sup>th</sup> letter. Forest Service would not move forward until their concerns, similar to the concerns from TSD, are clarified. It is up to the Town and Stilo to make an agreement with WestLand.

Considerable conversation on each stance continued as Councilmembers questioned each side.

Ms. Meidinger explained that Stilo's permit request was to have access to a corridor near the development and asked assistance from the Town to jointly respond to Forest Service letter to move forward. Mr. Wene, clarified TSD stance on what they are looking for, TSD would like an agreement with Stilo where TSD will be a provider for Ten X, Kotzin, etc. TSD would like a commitment to TSD that they will be the wastewater provider.

Robert Petzel gave some clarity regarding questions on the locations if they were within the NACOG planning area and the flood plane contingency plan. Town Manager advised council of the time and upcoming scheduled meetings.

Councilmember Baldosky asked if there was a memorandum of Understanding (MOU) to move forward. Councilmember Wirth asked for clarification of NACOG or district boundary. It was answered it was 3 miles outside of district boundary.

Ms. Meidinger responded to Councilmember Baldosky's question if they would be in agreement to an MOU with TSD and stated she would need to consult with her client and team. Mayor Vail asked Ms. Meidinger to ask her client and team for a formal answer regarding the PADA and their stance to do the MOU. Ms. Meidinger reiterated Stilo's stance of responding to the forest service letter first and work in good faith in the meantime.

Councilmembers discussed the necessity of an MOU to move forward with the issues between Stilo and TSD.

Town Manager advised Mayor Vail and council of future dates to schedule another workshop meeting for continued discussion and added that the forest service made it clear to the town that they cannot and will not move forward with the PADA until concerns between Stilo and TSD are resolved. It is the impression of staff and council that the joint letter was to be between Stilo and TSD confirming that past issues had been resolved. Ms. Meidinger clarified that the letter was addressed to Stilo and the Town and suggested it would be best to respond to them jointly in that way as well. She also advised that it would be best to also put forest service on notice on their jurisdiction.

Councilmembers discussed a future agenda meeting with Stilo to further discuss the MOU, agreement with TSD to be the service provider, and respond to the forest service letter.

Call to the public: None.

B. Informational and work group session working on general planning regarding Tusayan Sanitary District Flood Channel. (30 min)

Town Manager briefed council on this item and advised that it was not up for discussion but rather a brainstorming and workgroup session regarding general planning of the Tusayan Sanitary District flood channel that would be discussed at the April 14, 2021 council meeting.

Pete Shearer spoke for the Tusayan Sanitary District (TSD) and advised of the potential meet with the county in the future to try to tap in of some of the funds to help mitigate the flood program. Mr. Shearer requested Town council to work with TSD to send out a joint application for more funds to increase the size of the basins.

Mayor Vail asked for clarity if the funds requested would be specifically of the last stimulus packages and within stimulus money funds. Mr. Shere added that they would be. Councilmember Baldosky stated it was a concern that if they want to protect the plant today and would be a mistake, the town needed to see if they would mitigate the flood problem.

Councilmember Baldosky advised that the county willing to allow us to sign up to FEMA. Town Manager encouraged to not discuss the comments as town attorney has advised not to speak on them and advised to go into a break and reconvene after as the attorney assisting this item was not on the call.

Call to the Public: None.

**THE COUNCIL IS EXPECTED TO TAKE A BRIEF BREAK FOR LUNCH AROUND 12:30 PM AND RECONVENE AT 1:00 PM FOR THE AFTERNOON WORKSHOP ITEMS.**

C. Engineering Department Practices and Planning Presentation by Steve Bacs, Willdan Engineering. (10 min)

Town Manager briefed council on engineering department presentations to formalize the engineering department. Town Manager Hendrix has appointed an internal selection committee who would conduct the hiring for the formal permanent position of Town Engineer. Council would adopt the job description and the model and then would do the hiring. Town Manager Hendrix introduced each committee member who would be presented.

Mr. Steve Bacs introduced himself through zoom and presented engineering department practices and planning. A copy of the presentation is available to the public through the Town's website. Mr. Bacs continued his presentation by briefly speaking about Willdan's services and explained how Willdan would provide a virtual public works department.

Town Manager advised to hold questions until after both presentations have been given.

D. Engineering Department Practices and Planning Presentation by Jay Christelman, Coconino County Community Planning and Development. (10 min)

Jay Christelman introduced himself through zoom and presented development services Coconino County Community Planning and Development could provide to the town.

E. Discussion and Directions to Staff regarding Engineering Department Practices and Planning, Town Council. (10 min)

Councilmembers discussed the presented models. Both Councilmember Wirth and Councilmember Baldosky are in agreement to hire a building official to assist in adopting building codes.

Vice Mayor Harris could not comment because he had stepped out of the meeting.

Call to the public: None.

**5. REPORTS**

A. Town Manager Report.  
Traffic issues are continued to be worked on.

6. **CALL TO THE PUBLIC**

None

7. **MOTION TO ADJOURN**

Moved by Mayor Vail, Seconded by Councilmember Baldosky. Motion to adjourn.  
Vote 4-0.

Clarinda Vail      11/17/21  
Clarinda Vail, Mayor      Date

ATTEST:

J. Keel  
Town Clerk

**CERTIFICATION**

STATE OF )  
ARIZONA )  
                  ) ss  
COCONINO )  
COUNTY )

I, Logan Keel, do hereby certify that I am the Town clerk of 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 March 31, 2021. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 10 day of Nov. 2021.

J. Keel  
Town Clerk