

# MINUTES

## TUSAYAN TOWN COUNCIL SPECIAL MEETING MINUTES

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

Wednesday, June 23, 2021, at 3:00 p.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, June 23, 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 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 SPECIAL MEETING MINUTES

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

Mayor Clarinda Vail called the meeting to order at 3:05 PM and led the group in the Pledge of Allegiance.

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

MAYOR CLARINDA VAIL                      COUNCILMEMBER ROBB BALDOSKY  
VICE MAYOR BRADY HARRIS      COUNCILMEMBER GREG BRUSH

Present: Mayor Clarinda Vail; Vice Mayor Brady Harris; Councilmember Greg Brush; Councilmember Robb Baldosky;

Not Present: Councilmember Becky Wirth.

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

**Moved by Mayor Vail, Seconded by Councilmember Greg Brush. Motion to take item 4A first and 4B in the Workshop section prior to the consent agenda and then revert back to the consent agenda and all other line items thereafter. Vote 4-0. Motion Passed.**

#### **4. WORKSHOP ITEMS**

##### **A. Presentation of the Amended Zoning Code Changes, Jack Moody, Interim Town Engineer. (30 min)**

Town Manager briefed council regarding the recommendation from the Planning & Zoning commission of the adoption of the new zoning code. At that time, staff requested that the legal team review the zoning ordinances for legal compliance and requested that the interim town engineer review the zoning code from an engineering perspective. Attorney's feedback showed that the staff report does not line up with the draft ordinances and some changes may have been made that are not reflective in the draft ordinances. Town Manager requested direction from Council to check with Willdan to ensure Town staff has the correct draft and ensure the changes were implemented and if they haven't been, ask Willdan to do so.

Mayor Vail asked if substantial changes were made, do they need to be sent to Planning & Zoning. Town Manager Hendrix answered, the Planning & Zoning commission's stance was for any changes, that depart from the initial intent, be reviewed by them.

Jack Moody presented his memorandum of the ordinance changes from an engineering perspective. A copy of the memorandum is available to the public on the Town's website. Mr. Moody mentioned there were several requested modifications from the zoning code that have a minor impact on engineering and bring land use into alignment with development guidelines. Mr. Moody concluded his presentation with his support of the changes and had no objections to the zoning changes as outlined in the March 31, 2020 staff report.

Town Manager Hendrix asked Mr. Robb Gossard, the chairman of the Planning & Zoning commission, to confirm if her previous statement regarding any substantial changes to the staff report, Planning & Zoning Commission would want to review the changes. Mr. Gossard advised council that it would be their call. Mayor Vail asked the Planning & Zoning Commission to provide any comments during the discussion on the zoning code changes.

**B. Discussion and Direction to Staff regarding Amended Zoning Code and possible public hearing. (30 min)**

Town Manager clarified, the draft zoning code that would need consideration from Council are located in Tusayan Zoning Code Book Pt. 4. A copy of the previous zoning code, adopted ordinances, staff report, were provided to council previously to compare the new changes with the old zoning code book. A copy of the documents is available for public view on the Town's website.

Mayor Vail noted a provision for medical marijuana use and asked if any update should be made for it. Town Manager Hendrix advised to speak to the town attorney and report back. Janet, from Planning & Zoning, mentioned that there was no place within the Town that allowed medical marijuana use and would therefore not allow recreational use within the town.

Town Manager Hendrix explained that temporary use permits, are issued by the Town Manager under the current code. The new zoning code would have the zoning administrator issue the permits. Town Manager is not so worried about the zoning administrator issuing permits but would like council to allow the Town Manager the option to provide the permit. The zoning administrator is not always expected to be on site and sometimes these permits must be granted at the last minute. Both Mr. Gossard and Mrs. Cook from Planning & Zoning agreed with the change to have the Town Manager issue Temporary Use Permits.

Mayor Vail went through the process with the Planning & Zoning commission previously and felt comfortable with the changes presented. Mayor Vail noted that the Manager does currently issue temporary use permits. Mayor Vail reminded council to review the amended codes in relation to signage and to look at them with regards to the pandemic and asked to provide any comments or suggestions. Town Manager added, staff was tasked to look into temporary signage and was advised by the town attorney that any signage that is opened for potential advertising or potential availability, once opened, they cannot restrict the usage. Mayor Vail also added that any road signage would go through ADOT not the Planning & Zoning Commission.

Mayor Vail asked council and members from Planning & Zoning for any further comments or changes relating to the code changes. Clayann Cook asked if there would be any changes regarding the general plan. Mayor Vail advised that once the zoning code was done, council will be looking into the general plan.

Call to the Public:

Bradley Scott, representative of Red Feather properties, thanked the Commission for letting them be a part of the new zoning code process. Mr. Scott asked Council to ensure

that the right draft was being worked on to avoid future confusion and congratulated the commissioners for their work of the new zoning code.

Mayor Vail encouraged the importance of clarifying the document with the correct zoning code draft for the public hearing.

Mayor Vail directed Town Manager and staff that the changes have been incorporated and to add in the change discussed regarding the temporary use permits. Mayor Vail agreed to one additional meeting with the Planning & Zoning commission prior to a public hearing to ensure clarity by all members of the new zoning code.

Mayor Vail advised the public that on the work sessions try not to have other items and the only reason these items are in now are due to time constraints.

**Moved by Mayor Vail, Seconded by Vice Mayor Harris. Motion to remove item A-D in the Consent Agenda. Vote 4-0. Motion Passed.**

### **3. CONSENT AGENDA**

A. Intergovernmental Agreement (IGA) with the Tusayan Fire District. (10 min)

**Councilmember Greg Brush recuses himself from this item.**

**Moved by Mayor Vail, Seconded by Vice Mayor Harris. Motion to hear item 3A after executive session. Vote 3-0. Motion Passed.**

**B. Approval of the fiscal year 2021-2022 Tentative budget Resolution Number 2021-08 and set the public hearing day and time to hear taxpayers regarding the budget. (60min)**

Town Manager presented the fiscal year 2021-2022 Tentative budget with Resolution Number 2021-08 for consideration. Town Manager notified council of the work put in by staff and Town budget preparer, Bernie Wiegandt, and provided an updated tentative budget with the changes requested by council at the June 9, 2021, meeting. A copy of the tentative budget presentation and changes are available to the public through the Town's website. Town Manager also notified council of the approval for the America Recovery Funds. The Town will be awarded \$193,000 that will be provided in two installments.

Town Manager went through the budget changes as follows:

The budget for Meals & Lodging for council was raised to \$20,000.  
Insurance was raised to \$40,000.

Court Expenses now include a budget item for "mileage, lodging, and meals" in the amount of \$2,500.

A Salaries and Wages budget for each department was added so that funds are not take out of the Manager budget and make "Salaries and Wages" more department specific. The line item for Planning & Studies previously labeled GIS was now changed to "Flood Study".

Councilmember Baldosky claimed that there was \$36,000 missing in the Capital Project Fund under mitigation expenditures. Town Manager suggested that there would be some fluidity to the budget where funds can be adjusted from other line items such as the "Council Directed Projects" budget.

Town Manager Hendrix briefed council of three late additions to the "Capital Project Fund" to ensure that projects that have been adopted this year are carried over to next year. Although these items have not been discussed previously with council, as they have been previously approved by council, Town Manager assumed council would like to include the items in this tentative budget. These items included bathroom heaters, generator, and landscaping projects.

Call to the public: None

**Moved by Mayor Vail, Seconded by Councilmember Baldosky. Motion to approve Resolution 2021-08 and set the fiscal year 2021-2022 Tentative budget hearing date for July 14, 2021, at 3:00 PM. Vote 4-0. Motion Passed.**

**C. Approval of U.S. Bank Annual Bond Principal Payment in the amount of \$337,469.20. (10 min)**

Town Manger Hendrix presented the Annual Bond Principal payment to council and reminded council of their approval of the interest payment at the last meeting. Town Manager requested the authorization of the principal payment and noted that this is an annual payment that would be due every year at this time.

**Moved by Vice Mayor Harris, Second by Councilmember Brush. Motion to approve of the U.S. Bank Annual Bond Principal Payment in the amount of \$337,469.20. Vote 4-0. Motion Passed.**

**D. Approval of Norris Design change order #1 for additional Grading and Drainage. (10min)**

Town Manager presented the Norris Design proposal that came about during the workgroup meeting at the Ramada. Civil engineering looked into this project and feel that this is important for the safety of the project. There are some modifications to the

project to make the proposal less expensive but the design firm, concerned that if the price is adjusted, may need to come back and request more funds. Councilmember Baldosky stated his hesitation to move forward with the approval as he understood it was the consensus of the council to use the ramada for rainwater harvesting and the proposal does not show anything regarding that. Mayor Vail asked why the drainage was not added. Councilmember Baldosky responded, the item was left out by mistake. Mayor Vail and Councilmembers discussed the pricing and how to move forward.

Town Manager suggested, as a council, they could make a directive to go back to the base structure and the cement slab and look at adding each item by phases. This could give council more control over the project and review each process step by step.

Councilmember Baldosky commented the construction process and his belief of how the costs have escalated in such a way for this project.

**Moved by Mayor Vail, Seconded by Councilmember Baldosky. Motion to move into executive session at 4:12PM. Vote 4-0. Motion Passed.**

**Council came back on record at 4:26pm.**

**A. Intergovernmental Agreement (IGA) with the Tusayan Fire District. (10 min)**

Councilmember Brush recused himself for this item.

Mayor Vail advised the public the draft has been discussed with the town attorney during executive session. Vice Mayor advised Chief Greg Brush of the changes made to the intergovernmental agreement.

Call to the public: None

**Moved by Mayor Vail, Seconded by Vice Mayor Harris. Motion to Approve Intergovernmental Agreement with the Tusayan Fire District. Vote 3-0. Motion Passed.**

Chief Brush thanked council for their continued support of the Tusayan Fire District and their approval of the agreement.

**D. Approval of Norris Design change order #1 for additional Grading and Drainage. (10min)**

Vice Mayor Harris stated his concern with the engineers' inefficiency of keeping up with the intentions of the Town Council and the inability to have the foresight to ensure the projects are done efficiently and in a cost-effective manner. Town Manager clarified

that the grading is only for a portion of the sports complex, but the drainage would be for the entire area. Mayor Vail asked council to go back to the sportscomplex committee and ask them how to move forward due to growing costs concerns. Council discussed where Norris and Exerplay are in their designs and the construction process. Vice Mayor Harris would like a more active role from the three contracted engineering firms and consultant to ensure nothing is missed by mistake as the project moves forward. Town Manager suggested to council that any direction to have a meeting with the committee could take place at the July 14, 2021, meeting. Town council continued discussion related to the issues with the civil engineers and the costs that have accumulated for the sportscomplex plan. Mayor Vail proposed having a committee meeting would be necessary before taking any further action.

## **5. EXECUTIVE SESSION**

If authorized by a majority vote of the Town Council, an executive session may be held immediately after the vote and will not be open to the public. The Town Council may vote to go into executive session.

- A. Pursuant to A.R.S. § 38-431.03 A.3. and A.4. discussion regarding Intergovernmental Agreement (IGA) with the Tusayan Fire District. (20 min)

## **6. REPORTS**

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

Town Manager advised council to review the Manager's report. A copy of the report is available to the public through the Town website. Town Manager played the July 4<sup>th</sup> event radio advertisement for council.

Mayor Vail asked councilmembers if they saw the traffic test. Councilmembers stated their approval of the test and how the lines were set up.

Councilmember Brush mentioned Tusayan Fire District (TFD) had their last vaccination event last week, 29 vaccinations were administered and have a record of 123 vaccinations administered in one event. Thanked members of the community for their reports to TFD which helped prevent anything from escalating. Councilmember Brush advised the Rafael fire are doing mandatory evacuations for residents located for bunker hill.

Vice Mayor Harris added the forest service is closed and advised that the boundaries of the greenway trail and Arizona is off limits until the national park boundaries is reached.

## **7. CALL TO THE PUBLIC**

No comment from the public.

