

# MINUTES

## TUSAYAN TOWN COUNCIL REGULAR MEETING MINUTES

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

Wednesday, August 11, 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, August 11, 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 REGULAR MEETING MINUTES

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

Mayor Clarinda Vail called the meeting to order at 3:10PM 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 Robb Baldosky, Councilmember Greg Brush.

Not Present: Councilmember Becky Wirth;

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

**3. CALL TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

No comment from the public.

**4. CEREMONIAL AND/OR INFORMATIONAL MATTERS**

None.

**5. CONSENT AGENDA**

**Moved by Vice Mayor Harris, Seconded by Councilmember Baldosky. Motion to separate items 5E and 5H from the consent agenda. Vote 3-0. Motion Passed. Councilmember Greg Brush recused himself from the vote.**

**Moved by Mayor Clarinda Vail, Seconded by Vice Mayor Brady Harris. Motion to approve items 5A, 5B, 5C, 5D, 5F, and 5G as presented. Vote 4-0. Motion Passed.**

**E. Approval of Intergovernmental Agreement (IGA) with Coconino County Community Development for permit and inspection services.**

Town Manager noted, for the record, that Jason Cristelman from Coconino County was on zoom in case there were any questions for him. Councilmember Baldosky expressed his support to enter into an agreement with Coconino County but pointed out that there are no adopted building code and expressed his concern that building codes need to be adopted before formalizing an agreement. Town Manager Hendrix commented that Mr. Cristelman sent a message to the zoom chat of his support of the Intergovernmental Agreement (IGA), including Coconino County Development staff. The IGA was given to the board of supervisors for approval. If the IGA is approved, Coconino County have a plan to begin procuring building codes for council's review.

**Move by Mayor Clarinda Vail, Seconded by Councilmember Robb Baldosky. Motion to approve Intergovernmental Agreement (IGA) with Coconino County Community Development for permit and inspection services as presented. Vote 4-0. Motion Passed.**

Mayor Vail added, for the record, the permit fees will cover themselves.

Vice Mayor Harris noted that there is no issue with 5H. His concern was with the payables of Tusayan Fire District as described in item 5A.

Town Manager Hendrix advised Vice Mayor Harris that he could propose a motion for reconsideration of 5A for discussion.

**Moved by Vice Mayor Harris, Seconded by Councilmember Robb Baldosky. Motion to reconsider the payables, specifically those of Tusayan Fire District as described in item 5A. Vote 4-0. Motion Passed.**

A. Billings of payable accounts (July 1-31-Bills Payable in August 2021).

Vice Mayor Harris explained of oversight identified that there is no payment schedule and proposed to establish an addendum for a monthly payment schedule. Councilmembers discussed the best payment options to Tusayan Fire District (TFD). Mayor Vail stated that the Town does receive monthly financial reports from TFD but agrees with Town Manager Hendrix of receiving invoices every six months.

TFD Chief Greg Brush and TFD Chair John Vail stated that it would be a fiscal issue, and a six-month payment plan would be best. They also requested an option of a first lump sum payment and move toward a payment plan afterward. Vice Mayor Harris agreed with the proposal of a half lump sum payment up front and a payment schedule moving forward. Town attorney added that an addendum could be drafted and presented during the next meeting for council's approval. Town Manager Hendrix clarified that the Town would pay the TFD invoice presented which would pay TFD through Dec 31, 2021, have an addendum for next month's council meeting with a monthly payment schedule that would begin January 1, 2022. Town attorney suggested to council to strictly decide for approval of invoice and suggested that further payment discussion to TFD and the addendum could be discussed for next council meeting.

**Moved by Vice Mayor Brady Harris, Seconded by Mayor Clarinda Vail. Motion to approve item 5A. Billings of payable accounts (July 1-31-Bills Payable in August 2021) as presented. Vote 3-0. Motion Passed.**

H. Approval of Resolution 2021-10 to set Tusayan Fire District spending limitation for FY 21-22.

**Moved by Vice Mayor Brady Harris, Seconded by Mayor Clarinda Vail. Motion to approve Resolution 2021-10 to set Tusayan Fire District spending limitation for FY 21-22 as presented. Vote 3-0. Motion Passed. Councilmember Brush recused himself from this matter.**

- B. Billings of Electronic and Automatic Payable Accounts (July 1-July 31, 2021).
- C. Minutes of Council Meeting held on April 14, 2021, June 9, 2021, June 23, 2021, and July 14, 2021.
- D. Approval of updated ACH Vendor list.
- F. Approval of Letter Agreement for expenses with Williams Justice Court.
- G. Approval of Intergovernmental Agreement (IGA) with the Tusayan Sanitary District.

## **6. ACTION ITEMS- STAFF REPORT SUMMARY**

- A. Consideration, discussion, and possible action regarding Sports Complex Ramada/Outdoor Classroom, project schedule and other related projects. (5 min)

Town Manager Hendrix briefed council with the updated contracting schedule from Loven Contracting. A copy of the document is available to the public through the Town website. Town Manager Hendrix explained the extension of the dates were due to the timelines and availability of Exerplay based on current supply. Mayor Vail, Vice Mayor Harris and Town Manager Hendrix are scheduled to appear at the next School Board meeting.

Call to the public: None.

- B. Consideration, discussion, and possible action regarding procurement quotes for landscaping and generator installation. (5 min)

Town Manager presented staff went out and looked at procurement for landscaping and generator installation. Staff looked at several landscaping bidders and ultimately recommended that staff begin the project as maintenance staff have mentioned the need to acquire trees over the winter and install them with proper elk guards. In the spring the council can evaluate the need for ground level rock and other vegetation additions. ADOT would be agreeable to this as the project could be done by work order instead of submitting a new application.

Mayor Vail inquired about equipment needs if the landscaping would be done in-house. Town Manager Hendrix stated that maintenance staff is confident with the equipment on hand to deal with the landscaping project.

Town Manager Hendrix briefed council of generator options for their consideration. A copy of the generator quotes is available to the public through the town website. Maintenance staff feels strongly about the larger, fixed mount generator as the best long-term option, but Town Manager Hendrix pointed out issues with versatility for the Town in an emergency situation. The bigger option can be mounted on trailer

also, but it would be harder to pull. The larger option includes an ATS switch and could be installed at Townhall so that a portable generator can be hooked up as needed. Staff had also priced out different installation options, but the most economic option is not to exceed \$26,000. Staff is requesting a motion to authorize the purchase of a specific generator and a direction to put the vendor on notice that their services will likely be needed in the spring for purposes of installation.

Councilmember Greg Brush inquired whether the generators were diesel or propane based, Mayor Vail asked for clarity on the statement not to exceed \$26,000 but noted the amounts of the generator cost. Town Manager Hendrix answered that they were diesel based and clarified that the \$26,000 was related to the installation cost.

Councilmember Baldosky expressed his concern of the process of splitting the work with a contractor and a generator supplier. He would like someone who offers a generator and install so as to not lose the warranty. Councilmember Baldosky further explained technical issues with the larger generator.

Councilmembers continued discussion of each generator option and the amounts.

Call to the public:

John Vail commented about the generator and gave his support of the larger option. Mr. Vail provided his opinion to go with propane instead of diesel.

Councilmember Baldosky agreed with Mr. Vail regarding propane, but also believed that recycling the diesel fuel is a good option as well.

Andrew Aldas commented his test process of their generator and advised to look into having someone come in once a week to exercise the generator once purchased and also proposed that a propane generator would be a better option.

Vice Mayor Harris connected to the Zoom meeting to regain audio for the rest of the public who were connected online.

Mayor Vail spoke to the public on Zoom and asked if they any had comments related to the item.

Robert Petzoldt commented on the generator and was in agreement of the diesel option.

Town council discussed diesel v. propane options for the generator and what other Town equipment are diesel based. Councilmember Baldosky advised Town Manager Hendrix to look into electrical engineering for Town Hall before purchasing the larger generator.

**Moved by Vice Mayor Harris, Seconded by Councilmember Greg Brush. Motion to approve the 80kW Static Generator as proposed by Town Manager Hendrix. Vote 4-0. Motion Passed.**

- C. Consideration, discussion, and possible action regarding the business license fee schedule. (5 min)

Town Manager Hendrix briefed Council relating to the fee schedule for business licenses. Staff presented Resolution 2021-11 with the new fee schedule and a 60-day public notice that is required to be posted prior to the passage of the new schedule. A copy of the documents is available to the public through the Town website. The schedule would then become effective 30 days after passage. No action is expected at this time.

Mayor Vail commented that she would like the fee to stay at the \$10 amount. Town Attorney added that if for any reason the notice is posted, and council decided to change the license fee amount then it would extend the notice period.

Councilmembers discussed the purpose of the business license charge apart from the assurance that taxes are being paid.

Call to the public: None.

Town Manager Hendrix added will an update regarding the business license ordinance that will be coming up in the coming months.

- D. Consideration, discussion, and possible action regarding Town Investment Policies and approval date for bond payoff date. (5 min)

Town Manager Hendrix briefed Council of the payoff of the current bond anticipation note. A 30 days' notice prior to payoff is required by the holders of the bond. Town Manager Hendrix requested council to set September 13, 2021, as the payoff day and instruct staff to make arrangements for the payoff. Additionally, the process to collect sample investment policies for proposal has begun and staff will report to council in upcoming months.

Mayor Vail reminded the public of the Town financial policy which states that the Town Manager will update Council of investments once a quarter and pointed out that the investment account should be handled through policy and not in the hands of councilmembers or the Town Manager. Mayor Vail added that she would like to look into insurance sweep accounts, which are not vulnerable to the FDIC, and would be sending further information to Town Manager Hendrix to research. Mayor Vail directed staff to set September 13, 2021 as the payoff date.

Town Manager confirmed that the approval for the payoff date would be on the August 25<sup>th</sup> workshop agenda as a consent agenda item.

Call to the public: None.

- E. Consideration, discussion, and possible action regarding winter holiday event activities. (10 min)

Town Manager Hendrix briefed council regarding future winter/holiday event activities and requested authorization from council to work with staff to form a committee. Staff has been working on an educational and economic development ideas that would assist with driving in holiday traffic. One option is the possibility of bringing a portable ice rink to town, and staff provided a brochure to the council for reference. A copy of the brochure is available to the public through the Town website. Staff is in the preliminary stages of planning and requested the assistance of Mayor Vail and Vice Mayor Harris to form a committee with Town staff to formalize the events.

Mayor Vail and Vice Mayor agreed to be a part of the holiday committee.

Call to the public: None.

- F. Consideration, discussion, and possible action regarding the amendment to the interim engineer contract. (5 min)

Town Manager Hendrix briefed council regarding permission to negotiate an amendment to the interim engineer contract. Town Manager Hendrix reported that in the past staff had worked with Willdan on code enforcement activities and next month interim engineer will have all position requirements formalized for council consideration. Town Manager Hendrix added that concerns regarding Willdan's permit activities have grown and requested permission to amend interim engineer contract to oversee Willdan's permit activities from now until the job descriptions are approved by council next month.

Call to the public: None.

**Moved by Mayor Vail, Seconded by Councilmember Greg Brush. Motion to authorize staff to amend the interim engineer contract to include code enforcement supervision. Vote 4-0. Motion Passed.**

- G. Consideration, discussion, and possible action regarding the community awareness group and special community activities night. (5 min)

Town Manager Hendrix introduced citizen designee to present community awareness projects. Andrew Aldaz, briefed council of the ideas the community awareness group have discussed for future community engagement. Mr. Aldaz emphasized the importance of community involvement between town council and the community and proposed an event where community members could familiarize themselves with the town representatives and services available to the community. Mr. Aldaz proposed that the event would be some time in mid-September and asked for Council approval.

Mayor Vail added that she had asked to add this to the agenda and would like all council to attend the forum if they want, but to inform Town Manager of their attendance to avoid a quorum issue. Mr. Aldaz added that another activity in the works is "Coffee with the Sheriff" located outside of foodie club to get to know the Sherriff.

Mayor Vail proposed that September 16, 2021 would be the best date to hold the community awareness event, starting at 5PM. Mr. Aldaz stated that the next community awareness meeting on August 31<sup>st</sup>, the group would be discussing a donation event to provide food.

Call to the public: None.

**Direction to and take items 6I, and 6J now and hear items 6H, 6K, 6L, 6M after executive session.**

**I. Consideration, discussion, and possible action regarding Tusayan Community Trails Master Plan NEPA Study. (5 min)**

Town Manager Hendrix briefed council regarding Tusayan Community Trails Master Plan NEPA Study and presented councilmember Brush to discuss the NEPA study further. A copy of the documents discussed for this item are available to the public through the Towns' website.

Town Manager Hendrix commented on NEPA's request to do a test run for electric bikes and asked Vice Mayor Brady for his input regarding which trails specifically need to be tested with electric bikes. Vice Mayor believed he should recuse himself for this item as he does have a business venture for this but added that degradation would be the same for electrical as physical bikes and the only difference would be more accessibility to bikes.

Discussion continued between councilmembers regarding speed limitations for certain bikes and restrictions to bikes on hike only trails. Mayor Vail inquired about a previous meeting with the Forest Service and issues regarding special use permits.



Town Manager Hendrix clarified that the Forest Service provided two different agreements, the special use permit, and a partnership agreement. Town Manager Hendrix stated that the partnership might be the most appropriate as it can be applied for grant opportunities. Town Manager clarified council's direction regarding the E-Bikes and review of E-Bike guidelines. Council discussed mapping out designations for bikes and which trail would be used as a test trail. Vice Mayor Harris directed staff to look into grants as well.

Town Manager Hendrix requested direction on would like a direction to retain her Sirena Dufault for the NEPA study. Council discussed retaining Sirena Dufault and the trails budget. Town Manager Hendrix advised council that they could discuss the item in executive session.

Town attorney asked for clarification regarding the legal question and Town Manager Hendrix would be asked to postpone the question for after the break for additional legal advice.

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Call to the public: None.

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**J. Consideration, discussion, and possible action regarding the Forest Basin Project.  
(5 min) (1:30)**

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Councilmember Baldosky updated council regarding the Forest Basin Project as designee of the project and assigned Pete Shearer to take his place as designee. Town Manager Hendrix added that it was an unprecedented ask to assign a non-councilmember as a councilmember designee.

Call to the public:

Pete Shearer commented of his meeting with Woodson Engineering and explained their plan to expand the retention basin project to a larger project that would eliminate flooding for all of Tusayan and not just where the basins are located and added further plans to move the project along.

Councilmembers discussed the roles of the Tusayan Sanitary District and Town staff. Councilmembers came to the conclusion to designate Town Manager Hendrix as designee for the project.

**Moved by Mayor Vail, Seconded by Councilmember Greg Brush. Motion to designate Town Manager Hendrix as the designee on behalf of the town and**

**work with the Tusayan Sanitary District and the Forest Service for the Forest Basin Project. Vote 4-0. Motion Passed.**

**Moved by Councilmember Robb Baldosky, Seconded by Councilmember Greg Brush. Motion to go into executive session at 4:48PM. Vote 4-0. Motion Passed.**

**Council came back from Executive Session at 7:00PM**

- H. Consideration, discussion, and possible action regarding Broadband Internet Services and possible contract with ATNI, stakeholder engagement meeting. (5 min)

Mayor Vail hopes stakeholders participate at the September the 25<sup>th</sup> meeting and hope that people attend.

Call to the Public: None.

- I. Consideration, discussion, and possible action regarding Tusayan Community Trails Master Plan NEPA Study. (5 min)

Vice Mayor Harris commented his stance on retaining services as long as it conforms to the previous policies and staff direction that have been put in place.

- K. Consideration, discussion, and possible action regarding American Rescue Plan Act – Recovery Funds (ARPA Funds) payments to individual households and the establishment of a 501(c)(3). (10 min)

Mayor Vail's opinion was that the funds from the American Rescue Plan Act – Recovery Funds (ARPA Funds) can go to households. Mayor asked for further discussion from councilmembers on how to regulate the distribution of the funds.

Councilmembers discussed the amount of the ARPA Funds on hand and other options to use the funds that would be beneficial to the community. Mayor Vail added that she would bring back a plan for next council meeting and if councilmembers had any further opinions, before the plan is presented, to speak with Town Manager Hendrix.

Town Manager Hendrix asked for direction to staff to follow what another community is doing regarding the 401(c)(3) and bring back to council for review. In the meantime, Town Manager Hendrix requested authorization to reserve \$5,000 in case councilmembers follow through with the plan.

Call to the public: None.

- L. Consideration, discussion, and possible action regarding possible joint letter response- Stilo and Town of Tusayan regarding Kaibab National Forest Special Use Authorization Permit. (5 min)

Town Manager Hendrix reported that staff had taken direction from Council in executive session. Mayor Vail added that any attorney letters sent out to copy councilmembers.

Call to the public: None.

- M. Consideration, discussion, and possible action Stilo Development Agreement and Associated Expenses under the Pre-Annexation and Development Agreement (PADA). (10 min)

Town Manager Hendrix reported that staff had taken direction from Council in executive session.

- N. Consideration, discussion, and possible action regarding ClerkBooks coding update and year-end budget adjustments. (5 min)

Town Manager Hendrix presented the adjustments and coding for council review and added that the Chart of Accounts for the budget was included for their review. A copy of the documents are available for the public through the Towns website.

## **7. 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 legal update and advice regarding Coconino County Flood Control District v. Town of Tusayan, Coconino County Sup. Ct. Case No. CV-201800616. (5 min)
- B. Pursuant to A.R.S. § 38-431.03 A.3. and A.4. discussion regarding contract with Broadband Internet Services, ATNI. (10 min)
- C. Pursuant to A.R.S. § 38-431.03 A.3. and A.3. Discussion regarding American Rescue Plan Act – Recovery Funds (ARPA Funds) payments to individual households and the establishment of a 401(c)(3). (10 min)
- D. Pursuant to A.R.S. § 38-431.03 A.3. and A.4. Discussion regarding possible joint letter response -Stilo and Town of Tusayan regarding Kaibab National Forest Special Use Authorization Permit. (10 min)
- E. Pursuant to A.R.S. § 38-431.03 A.3. and A.4. Discussion regarding Stilo Development Agreement and Associated Expenses. (10 min)
- F. Pursuant to A.R.S. § 38-431.03 A.3. and A.4. Discussion regarding Intergovernmental Agreement (IGA) with the Tusayan Sanitary District. (5 min)

## **8. REPORTS**

### **A. Town Manager**

#### **1. Town Manager Report**

Town Manager Hendrix summarized some of the items in the report and referred council to review the attachments in the agenda. A copy of the documents is available to the public through the Town's website.

Councilmember Baldosky asked about the rain gauge program and asked about the Woodson Engineering contract. Town Manager Hendrix clarified the written motion from council regarding the contract.

Town Manager requested authorization to proceed with grants.

American legion sent a thank you letter for the veteran banners.

#### **a) Town Financial report**

Finance reports for June and July are provided for council's review. A copy of the documents is available to the public through the Town's website.

#### **b) 2021 Meeting Schedule**

#### **c) Annual Town Calendar**

#### **d) Annual Budget Calendar**

#### **e) Strategic Planning Updates**

#### **2. Organization reports**

### **B. Council Members**

Councilmember Brush: Tusayan Fire District have updated an uptrend of Covid cases locally and a vaccination event in IMAX on August 12, 2021 at 10AM.

Williams News stated that many vaccinations have been thrown out due to people not showing up to their scheduled appointment and asked businesses if they could foster their employees that have made an appointment to actually make time to get their vaccination, it would be greatly appreciated.

### **C. Mayor**

Mayor Vail reported that Tusayan is the second most vaccinated town in Coconino County.

**9. FUTURE AGENDA ITEMS**

Streetlights budget discussion.

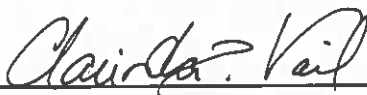
Housing work session.

Tourism discussion. Vice Mayor Harris will be on a discussion panel about covid recovery for tourism in Arizona.

Vice Mayor congratulated Town Manager Hendrix of her year tenure as a Town Manager and asked council to do a year review as a baseline so as to not do reviews every three months. Discussion between councilmembers and Town Attorney regarding a review of Town Manager's performance and contract.

**10. MOTION TO ADJOURN**

**Moved by Councilmember Robb Baldosky, Seconded by Vice Mayor Brady Harris. Motion adjourned at 7: 56PM.**

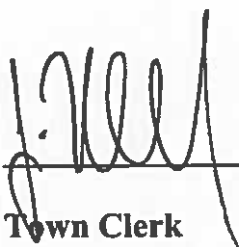
  
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**Clarinda Vail, Mayor**

11/17/21

**Date**

**ATTEST:**

  
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**Town Clerk**

This page belongs to meeting minutes Dated: August 11, 2021

**CERTIFICATION**

STATE OF ARIZONA	§
	§
COCONINO COUNTY	§

I, Logan Keel, hereby certify that the foregoing minutes are a true and correct summary of the Town Council Meeting that occurred on the 11<sup>th</sup> day of August, 2021. I further certify that the meeting was duly called and held, and that a quorum was present

J. Keel  
Town Clerk

Nov. 18, 2021  
Date