



MINUTES*

TUSAYAN TOWN COUNCIL SPECIAL MEETING

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

Wednesday, October 6, 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, October 6, 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.

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

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Clarinda Vail lead the Council in the Pledge of Allegiance.

ROLL CALL *One or two Council Members may attend by telephone**

MAYOR CLARINDA VAIL - present

**VICE MAYOR BRADY HARRIS – present
via zoom**

**COUNCILMEMBER BECKY WIRTH -
present**

**COUNCILMEMBER ROBB BALDOSKY –
present**

**COUNCILMEMBER GREG BRUSH –
present**

**For economy of space and ease of reading the minutes have been organized according to the agenda language. Items as they appear on the agenda have been italicized with the actual minute entries entered in plain type for reader convenience.*

ADOPT THE AGENDA

Motion to take Items up through the ceremonial matters; then taking executive session items and come back to items action items, then reports and call to the public. First by Mayor Clarinda and seconded by Councilmember Wirth. All voted in favor.

CEREMONIAL AND/OR INFORMATIONAL MATTERS

None.

CONSENT AGENDA

Items on the consent agenda are routine in nature and will be acted on with one motion and one vote. Members of the council or staff may ask the mayor to remove any item from the consent agenda to be discussed and acted upon separately.

None.

Motion to enter into executive session. First by Councilmember Wirth and seconded by Councilmember Brush. 4 in favor and 1 oppose.

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. (20 min)*
- B. *Pursuant to A.R.S. § 38-431.03 A.3., A.7 and A.4 discussion and instruction to staff regarding acquisition of the Hydro-Resources Inc. Water System. (20 min)*
- C. *Pursuant to A.R.S. § 38-431.03 A.3. discussion regarding call of special election to consider the question of purchasing a water utility. (10 min)*

Mayor Vail: Thank you to everyone for patiently waiting while Council was in executive session.

ACTION ITEMS

- A. *Consideration, discussion, and possible actions regarding acquisition of the Hydro-Resources Inc. Water System. (10 min)*

Mayor Vail: Because this is in negotiation, Council will not be discussing much of the details. If anyone on Zoom would like to speak on this item, please raise your hand. One hand raised, John.

John Thurston inquired about the pricing. One was not publicly available at that time.

Mayor Vail: Any additional comments or questions regarding this item? Seeing no others that would like to opine. Motion Council?

Motion to approve staff to act in the directed manner in executive session. First from Vice Mayor Harris and Second from Councilmember Wirth. 4 in favor and Mayor Vail opposed.

B. *Consideration, discussion, and possible actions regarding call of special election to consider the question of purchasing a water utility. (10 min)*

Mayor Vail: Is there anyone on Zoom that would like to speak to this item? None.

Vice Mayor Harris: I am appreciative of the Council's time regarding this matter. Motion for the intent to call an election in August of 2022. First by Vice Mayor Harris and Seconded by Councilmember Wirth. 4 in favor and 1 opposed. Motion opposed by Mayor Vail.

Mayor Vail: I would like to explain my vote. I am happy for the discussion today as well, but I would like to understand and know and have the due diligence done prior to calling an election. There are things I would like to see be done before we move forward with this.

Town Manager: Vice Mayor Harris, I would like to clarify the motion. You stated, "the intent to call an election" correct?

Vice Mayor Harris: Yes. For the intent. We will need to prepare the necessary documents for staff as we negotiate and have those materials. Then we can call a formal Council meeting to get that done once everything is in order.

Town Manager: In the past we have had direction from council, that there has to be a signed purchase agreement prior to a formal call for an election date being called. That is not being supplanted by this motion today. Is that correct?

Vice Mayor Harris: As for now, that is correct.

Councilmember Wirth: So if we have a signed purchase agreement, as long as there is a contingency in the agreement that stated that we are not obligated to purchase if the vote does not go through. If the vote is denied, are we going to sit there with the purchase agreement and are we contractually obligated to pay.

Mayor Vail: No, this will not be an issue.

Town Manager: The point is that the election is contingent on the negotiation.

Councilmember Wirth: The purchase agreement prior to the election, there has to be that contingency in there.

Mayor Vail: Moving along then, all that is left is item number 8, Reports.

REPORTS

A. Town Manager Report

Town Manager: Mayor and Members of Council, I wanted to make you aware, we appeared at the school board meeting and there will be more information to come. Mayor and I presented on the Ramada project. There were quite a few questions and we answered them to the best of our knowledge. We will provide you with additional information. There will likely be some additional questions from them but haven't received them yet. Wanted to give heads-up. Believe we had a good experience and are looking forward to hearing from them in the future.

Mayor Vail: Anything from Council?

None.

CALL TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Members of the public may address the Council on items not on the printed agenda. The Council may not discuss, consider or act upon any matter raised during public comment. Members of the audience who wish to speak to the Council on an item listed as Public Hearing should complete a Request to Speak Card and turn it into the Town Clerk. Comments will be limited to three minutes per person.

Mayor Vail: Would anyone in the public like to comment on anything that was not listed on the agenda this evening, please raise your hand.

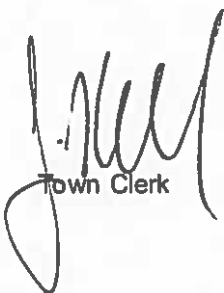
MOTION TO ADJOURN

Motion to Adjourn: First by Councilmember Wirth and Seconded by Vice Mayor Harris


Clarinda Vail, Mayor

Date 11/17/21

ATTEST:

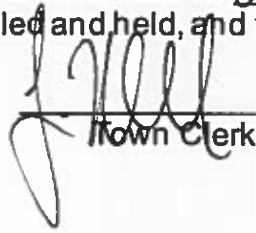

Town Clerk

THIS PAGE BELONGS WITH MEETING MINUTES DATED: OCTOBER 6, 2021

CERTIFICATION

STATE OF ARIZONA	§
	§
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 held on Oct. 6, 2021. I further certify that the meeting was duly called and held, and that a quorum was present.


Town Clerk

Nov. 18, 2021
Date