MINUTES[1]

TUSAYAN TOWN COUNCIL REGULAR MEETING

PURSUANT TO A.R.S. § 38-431.02 & §38-431 .03
Wednesday, December 8, 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, December 8, 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 REGULAR MEETING MINUTES

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

Call to Order at 3:09.

Mayor Vail led Council in the Pledge of Allegiance.

2. ***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 Via Zoom**

***COUNCILMEMBER ROBB BALDOKSY* -Present**

[1] *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.*

***COUNCILMEMBER GREG BRUSH* - Present**

2. ***ADOPT THE AGENDA***

Mayor Vail proposed that Council hear executive session items after the consent agenda because there are related to the action items.

Move to adopt agenda with items 8a, c, and d immediately after consent agenda. Then the action items to be heard after and move item 7d. to be first item to be first item heard with action items, then in order from there. First by Mayor Vail and seconded by Councilmember Baldosky. 4-0 with Councilmember Wirth unable to vote immediately on this matter due to technical difficulties.

4. ***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.

None.

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

None.

6. ***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.

A. *Billings of payable accounts*
B. *Billings of Electronic and Automatic Payable Accounts*
C. *Minutes of Council Meeting(s) held on August 25, 2021, September 22, 2021, November 10, 2021, and November 17, 2021.*
D. *Approval of Contract extension for Interim Town Engineer Jack Moody.*

Mayor Vail notified the members of council and the public that an item was added to consent agenda for a position. This is a change from the original agenda.

Motion to approve the consent agenda as presented with the September 22, 2021 minutes to reflect Pete Shearer's name with correct spelling. First by Mayor Vail and Seconded by Councilmember Brush. 4-0 with Councilmember Wirth unable to vote immediately on this matter due to technical difficulties.

Motion to enter into executive session. First by Mayor Vail and Seconded by Councilmember Brush. 4-0 with Councilmember Wirth unable to vote immediately on this matter due to technical difficulties.

7. ACTION ITEMS

D. Consideration, discussion, and possible action regarding approval of Draft Judgement and Injunctive Order in Coconino County Flood Control District v. Town of Tusayan, Coconino County Sup. Ct. Case No. CV-201800616. (5 min)

County supervisor, Ms. Patrice Horstman attended, by phone. She is happy to see that there is a final judgement between the town and the County. Additionally, she is looking forward to the resolution of this matter and get this issue behind us.

Questions or comments from the public?

None.

Mayor Vail thanked Supervisor Horstman for her work in this matter.

Motion to approve Draft Judgement and Injunctive Order in Coconino County Flood Control District v. Town of Tusayan. First by Mayor Vail and Seconded by Councilmember Baldosky. 4-1 Vice Mayor Harris opposed. Councilmember Wirth voted in favor via text.

Vice Mayor Harris explained his dissent. He believes that this is an overreach of the County's authority and will hurt the Town development wise into the future.

A. Consideration, discussion, and possible action regarding Forest Basin Project. (10 min)

Town Manager Hendrix addressed Mayor and Members of Council advising that she and Jack Moody have been working with the Sanitary District to move this project forward. Jack has done some research and memorialized that in a report, and as such she has asked him to come today and present that to Council. This is informational, for now. Jack Moody, Interim Town Engineer, is here to present his report findings.

Mr. Moody addressed Mayor and Members of Council by referring them to his memo that was is attached to the agenda. Since this memo was posted, I received additional info from Woodson engineering and the head of the Tusayan sanitary district. This information is lacking in the memo, and we can talk about that afterwards. I summarized the information available. Per the reports, this basin project is intended to reduce or mitigate nuisance flooding (frequent flooding from the smaller more frequent events) events that range from 1-year event to the 25-year event. This project does not address the flows coming down from the main part of Coconino wash. The available information for the report states that it (the flood basin project) is to mitigate the smaller floods, not intended to mitigate the 100-year peak flow from the main wash. He wants to ensure that Council is fully aware that this will have some positive mitigating effects on smaller local storms but will not satisfy the Coconino County flood district or FEMA to mitigate the flows coming from the Coconino wash itself. More mitigation measures will need to be done to Coconino Wash itself. This is the case because the watersheds from the two smaller washes (Northeast Tributary and Southeast Tributary) are in the range of 1.3 and 1.4 square miles and are very close to Tusayan. The watershed at that point, prior to the confluence is approximately 45 square miles. These local, closer, watersheds will not have a significant impact on the overall flow in Coconino wash. The 30% design plans were incised basins and the decision notice from the National Forest Service stated that they were allowed to pass the low flows. We will need to take this decision notice back to the National Forest Service to have it modified for these incised basins - about 7-10 feet below the flow line of the wash on the downstream end. Consideration of damming the water was not well received by the agencies and it is not in the Town's interest to have a dam above the town. The design plans conflict conceptually with the findings of no

significant impact and will need updates to the plan. Some talk of waterless basins by pumps were also discussed but would need to be investigated further.

Councilmember Baldosky opined on the findings of Mr. Moody's report.

Town Manager Hendrix read from the Minutes from Wednesday August 11, 2021 regarding the Council's vote to appoint Town Manager Hendrix as the designee on the forest basin project.

Mr. Moody advised that the 30% design plans did not meet some of the dewatering and passing flow noted in the notice of no significant impact, however, these issues have been identified, and if Forest Service is onboard with dewatering mechanism, then should suffice with the addition of dewatering to 30% plans.

Councilmember Baldosky spoke on nuisance flooding.

Mr. Moody stated he would advise against a berm. An incised channel is structurally more sound and is much easier to maintain than a berm retention/detention basin. This berm is a detention basin meaning water will come in and go out in a big event prior to percolation. If a berm breaches, it will create a bigger problem that any rain would have initially. As a water resources engineer, he does not like the berm and think that an incised channel is a safer way of dealing with the nuisance flooding. These dewatering details are not included in the 30% plans and were not contained in the Forest Service correspondence. These dewatering details are important based on the Forest Service memo.

Town Manager Hendrix addressed Mayor and Members of Council telling them that the Forest Service specifically instructed the Town to meet with the Coconino County Flood Control District. Mayor and Members of Council our next request is that we be allowed to speak with the County to start the conversations about mitigation.

Mayor Vail spoke on the need for County involvement.

Councilmember Baldosky spoke on County involvement.

Town Manager Hendrix reiterated that the Forest Service will not meet with the Town until we meet with Coconino County flood control. Once we get a sense of the County's perspective, we can move forward.

Mayor Vail thanked Mr. Moody for putting this memo together.

Mr. Moody spoke on the 100-year flood control and its effects on the Town. It is important that the Coconino County flood district address flooding issues posed by the Coconino Wash. We need to settle on a number for peak flows coming up Coconino wash. He viewed the flows at TenX and at Reid tank in person. The facilities in Town to handle the flows of Coconino wash are significantly undersized. He doesn't know the numbers on the flows of Coconino wash but have heard numbers ranging from 1200 to 12000 CFS. Even the lower end of flows coming down Coconino wash would be problematic for the Town. The town needs to begin looking at flood control measures for water coming through town. The measures will be dependent on the agreed 100-year peak flow. The longer we wait, the closer we get to a 1% annual chance event. The 100-year peak flows denotes that there is a 1% chance that a "100-year flow" one year and we will have that same 1% chance next year – this is strictly probability. The more time that passes, the higher the likelihood that a big event will hit the wash. We need to start communication with Coconino Flood district and come to an agreeance of peak flow numbers. Even a 10-

year fix will help residence. The Coconino County flood district will decide what that number is based on the data.

Councilmember Baldosky inquired about the newest data on flows.

Mayor Vail inquired about submitting to FEMA.

Mr. Moody stated that prior to submitting to FEMA with letter of revision of the hydrology, we must have community concurrence. The flood plain administrator (the County in this situation) would have to sign off on it. FEMA will come back with comments and/or questions and if the County signs-off, then that becomes what the Coconino flood district will abide by.

Councilmember Baldosky noted that the town has critical infrastructure (Tusayan Sanitary District and Tusayan Fire Department), and the 500-year event.

Mr. Moody agreed, as critical infrastructure, these infrastructure items need to be protected to the 500-year event.

Town Manager Hendrix interjected advising that we have trailed off-topic and off the agenda. She addressed Mayor and Members of Council stating, again we are asking for permission to go to the County in order to settle on a number and move forward with the flood basins.

Vice Mayor Harris spoke on working toward a resolution to this matter.

John Vail spoke on the flood plain matter.

Town Manager Hendrix addressed this by stating that since this is a joint project with TSD and is expected to be involved in these discussions.

Mayor Vail directed staff is to begin working with Coconino County Flood Control District.

B. Consideration, discussion, and possible action regarding winter holiday events: Ice Rink/Santa Shack. (10 min)

Town Manager Hendrix addressed Mayor and Members of Council and advised them that the ice rink showed up yesterday and it is in the process of being installed. Decorate Tusayan event is going on wherein towns people decorate their windows along with coloring pages for the children; pages are available online and with Jill at town hall. We have also begun the Santa Shack and have had community members come by to see it and we want to encourage everyone to come by. We are asking for donations and/or gifts for usage, if able. We are having our ice rink grand opening on December 18, 2021. We are requesting approval to purchase the town a credit card reader. We have looked into credit card readers, the ones that will suffice for our needs (have built in internet connections) is approximately $400. We are requesting advice from Council on this matter. We anticipate charging $5.00 for the skate rental and admission.

Mayor Vial spoke positively about the Town acquiring a credit card reader.

Town Manager Hendrix responded by advising of the pricing structure i.e. time limits, skate rental, etc. We would like advice since we had not anticipated a $400 fee for one plus 2-3% per transaction.

Vice Mayor Harris spoke on the approval of the Town owning a credit card reader. Will be beneficial to the town in the long run and could be used for more than just the ice rink.

Councilmember Wirth commented via text, yes to the card reader and there will be a small fee per transaction.

Mayor Vail commented on the ice skate flyer and its lack of dates and hours.

Town Manager Hendrix responded that the lack of dates. We do not yet know the hours we are wanting to run. December 18, 2021 will be the grand opening. The flyers will be delivered to local businesses this coming week. We have hired seasonal workers and are looking for two additional workers and would request that anyone interested, please put in an application. We are currently looking to be open parttime on Thursdays, Fridays, Saturdays, and Sundays. The remainder of days and times will be dependent on amount of traffic. We also anticipate that the 2 weeks leading up to Christmas, we will have the rink staffed full time. At this time, we do not need a motion.

Questions or comments from the public?

None.

Mayor and Councilmembers thanked the Town Manager and staff for all of their hard work on these events.

C. Consideration, discussion, and possible action regarding Tusayan Community Trails Mater Plan NEPA Study. (5 min)

Town Manager Hendrix addressed Mayor and Members of Council advising that Councilmember Brush will take the lead on this matter, but in the packet, there is a draft contract for preview. No action needs to be taken on this matter at this time, but we expect to have this on January's agenda for Council to take action. We have another contract coming that we will expect action on next month.

Councilmember Brush stated that we have been in ongoing discussions with the Forest Service regarding this matter. They had some issues that they brought up since our field visit, and thanks to Town Manager Hendrix and Town Attorney Arnson for working those ends and looks forward to getting this contract.

Mayor Vail reminded the public that Councilmember Wirth has been having some technical issues and therefore we are communicating with her via text message.

Questions or comments from the public?

None.

Mayor Vail noted that supervisor, Horstman, would like to stay apprised of this matter.

E. Consideration, discussion, and possible action regarding Broadband Internet Services and possible contract with ATNI. (5 min)

Town Manager Hendrix addressed Mayor and Members of Council advising that we have no new information at this time.

Mayor Vail advised there is an expert that the county uses.

Questions or comments from the public?

None.

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

Questions or comments from the public?

Andy Jacobs: Spoke on behalf of Stilo.

Mayor Vail stated that staff was given direction in order to clarify some of the language regarding the Town in the letter and will then be sent out.

G. Consideration, discussion, and possible action regarding acquisition of the Hydro-Resources Inc. Water System. (5 min)

Mayor Vail advised that Council has given direction to staff.

Questions or comments from the public?

None.

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

Mayor Vail stated that these two items (payments to individual households and formation of 501 (c)(3)) will be separate issues, however, the monies come from the same pot. She believes that we can distribute approximately $387 to each of the up to 500 residents in the Town and would like that to come with income cut off. I know this becomes complicated for staff, but if we can start with that, staff can get the documents together to find out how to legally make this work. This is just a starting point and staff please come back with the specifics.

Councilmember Brush spoke in favor of both of these proposals.

Town Manager Hendrix stated that she has yet to research the 501(c)(3) route but will try to have that information ready for you on the next agenda. This will allow for staff to workout the logistics on the workings of the individual payments.

Vice Mayor Harris opined that he looks forward to seeing what staff can bring back to Council to make this operational.

Questions or comments from the public?

None.

Mayor Vail proposes distribution of funds up to 500 residents to include people who live outside of Tusayan, but work in Tusayan, if legal.

Town Manager Hendrix has requested $5,000 for the 501(c)(3). If Councilmembers had any ideas for other programs, we need to consider leaving additional monies in reserve.

Vice Mayor Harris spoke positively about seeing the framework prior to distributing funds.

Mayor Vail and Council directed staff to gather information on what other jurisdictions are doing with the funds; Phoenix is doing something similar.

8. ***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.W (10 min)*
B. *Pursuant to A.R.S § 38-431.03 A.3. and A.4. Discussion regarding contract for Broadband Internet Services with ATNI. (5 min)*
C. *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 Permit. (5 min)*
D. *Pursuant to A.R.S § 38-431.03 A.3. and A.4. Discussion regarding possible acquisition of the Hydro-Resources Inc. Water System. (5 min)*

9. ***REPORTS***

A. ***Town Manager***

Town Manager Hendrix addressed Mayor and Members of Council and referred them to her written report. Some items that are not in writing: we are working with the school's 8th grade class. They are working on a civics course in the spring we will be going there to help them with a mock trial and in January a mock Council meeting. We are looking for Councilmembers to volunteer to shadow and help them perform their roles. This is to take place on January 26th or 27th. Another thing that she wanted to bring to Council's attention, the quail sign leading into the park is a rental by the week; we are in discussions with the park about it as to its effectiveness. We want it to be there as long as its effective, but the length of time is about to expire. We can look into renewing this or canceling it.

1. ***Town Manager Report***
   1. ***Town Financial report***
   2. ***2021 Meeting Schedule***
   3. ***Annual Town Calendar***
   4. ***Annual Budget Calendar***
   5. ***Strategic Planning Updates***
2. ***Organization reports***

B. ***Council Members***

Vice Mayor Harris announced the success of the Turkey Distribution and thanked the volunteers and town staff.

Councilmember Brush spoke on Vaccine event from 1:30 – 3 at TFD. Town of Tusayan and Grand Canyon has a 73% vaccination rate. – one of the highest in the state.

C. ***Mayor***

E. *Tusayan Fire District*

1. *Financial*
2. *Equipment*

Rescue vehicle – being repaired.

3. *Other*

Vaccination event tomorrow, Dec. 9. If the weather is inclement, it will be held inside TFD.

F. *Tusayan Justice Court*

Town Manager Hendrix advised this report is for informational purposes only. We want to thank them for attending our community awareness events. Jim Coffey is holding a stop the bleed class specifically for our ice rink employees, but everyone in the community is invited. Please sign-up for this class with Jill.

Mayor Vail took the time to thank Jim Coffey and the members of the community awareness events.

10. *FUTURE AGENDA ITEMS*

The Council retreat is tentatively scheduled for March and will be set two Tuesdays prior to the meeting.

11. *MOTION TO ADJOURN*

Motion to adjourn first by Councilmember Brush and Seconded by Mayor Vail. 5-0 voted in favor.

Clarinda Vail 2/9/22

Clarinda Vail, Mayor Date

ATTEST:

Town Clerk

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 8 Dec. 2021. I further certify that the meeting was duly called and held, and that a quorum was present.

10 Feb. 2022

Town Clerk Date