



MINUTES¹

TUSAYAN TOWN COUNCIL CONSOLIDATED REGULAR AND SPECIAL MEETING

PURSUANT TO A.R.S. § 38-431.02 & § 38-431.03

Tuesday, July 11, 2023, at 5:00 p.m.

TUSAYAN TOWN HALL BUILDING

845 Mustang Drive, Tusayan, Arizona

TOWN COUNCIL CONSOLIDATED REGULAR AND SPECIAL MEETING MINUTES²

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Vail called the meeting to order at 5:03 p.m. and led the Council and public in the Pledge of Allegiance.

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

MAYOR CLARINDA VAIL – Present

COUNCILMEMBER JOSH COLLET – Present

VICE MAYOR GREG BRUSH – Present

COUNCILMEMBER ANDREW ALDAZ – Present

COUNCILMEMBER BECKY WIRTH – Present

3. ADOPT THE AGENDA

Mayor Vail moved approval of the Agenda knowing that Item 7.I will be – if any action or discussion happens on Item 7.I, it will happen after Executive Session. Vice Mayor Brush seconded the motion. Motion carried. Aye: Mayor Vail, Vice Mayor Brush, Councilmember Wirth, Councilmember Collet, Councilmember Aldaz

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

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.

² Minutes are organized by agenda item in the order in which they were discussed.

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.

No one spoke at Call to the Public.

5. CEREMONIAL AND/OR INFORMATIONAL MATTERS

Mayor Vail presented Mike Scott with the Town of Tusayan Grand Marshal automobile magnets.

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. Ratification of payable accounts**
- B. Ratification of Electronic and Automatic Payable Accounts and Spending Limit Pre-authorization**
- C. Minutes of Council Meetings held on June 13, 2023 and June 27, 2023.**
- D. Approval of Intergovernmental Agreement (IGA) with Flagstaff City Library, Resolution No. 2023-07.**
- E. Approval of Broadband Agreement with Commnet.**
- F. Approval of Resolution No. 2023-08 providing passthrough support for Tusayan Fire District.**
- G. Authorization for staff to sign Food Pantry Use Agreement.**
- H. Approval of Moqui Cookout Scope of Work with Westland Engineering and Authorization to complete 299 application to US Forest Service.**

Town Manager Hendrix asked that 6.D, E and H be held.

Mayor Vail moved approval of Items 6.A, B, C, F, and G, as presented, removing Items D, E, and H for discussion with staff. Vice Mayor Brush seconded the motion. Motion carried. Aye: Mayor Vail, Vice Mayor Brush, Councilmember Wirth, Councilmember Collet, Councilmember Aldaz

Town Manager Hendrix explained that Item 6.D is not ready because the Library has been moving out of their building, we have been busy, and we just have not connected yet. She noted she expects it will be ready next month.

Town Manager Hendrix commented that 6.E, the Broadband Agreement with Commnet, has been sent over, our attorneys have marked it up after direction from the Council, and it is ready for approval if the Council is comfortable with it. She noted that Commnet has not yet approved it; they asked us to mark it up with our changes, approve it, and send it back to them. She added that they may make changes and give back a revised contract.

Town Manager Hendrix pointed out that in Item 6.G, Food Pantry Use Agreement, the Council would see that this is authorization for us to sign an agreement. She noted there have been some comments made by the Food Pantry, and we have made some comments; the attorneys need to revise it. She explained that we need to get moving on this, so we are asking for permission that once it comes back from the attorneys, she can sign it and have the Council ratify it after the fact. She further noted there is no real monetary value involved at this time, it is already within her authority, but she just wants to keep the Council involved and part of what is going on.

Town Manager Hendrix explained that Item 6.H, Approval of Moqui Cookout Scope of Work, was added at the last minute because we just got it back, and we feel like we need to move this project forward.

In response to the question if the only cost for Commnet is the ongoing charge listed in the Agreement, Town Manager Hendrix replied yes; it is the \$450 per month.

Councilmember Collet moved to approve the Commnet Agreement as presented and Vice Mayor Brush seconded the motion. Motion carried. Aye: Mayor Vail, Vice Mayor Brush, Councilmember Wirth, Councilmember Collet, Councilmember Aldaz

Councilmember Wirth moved to authorize the Town Manager to approve and sign any agreement that comes through for the Food Pantry. Vice Mayor Brush seconded the motion. Motion carried. Aye: Mayor Vail, Vice Mayor Brush, Councilmember Wirth, Councilmember Collet, Councilmember Aldaz

Mayor Vail gave Tom Klimas, of Westland Engineering, accolades for his work on the Moqui Cookout Site project.

Mayor Vail moved approval of the Moqui Cookout Scope of Work with Westland Engineering to complete the 299 application to the Forest Service. Vice Mayor Brush seconded the motion. Motion carried. Aye: Mayor Vail, Vice Mayor Brush, Councilmember Wirth, Councilmember Collet, Councilmember Aldaz

7. ACTION ITEMS - STAFF REPORTS

A. Public Hearing regarding Fiscal Year 2023-2024 Final Budget and Resolution No. 2023-11. (30 mins.)

Town Manager Hendrix spoke to the Mayor and Members of the Council noting this Budget was heard and approved last month as the Tentative Budget, and there have been no changes in the meantime. It is just being brought back now as the Final Budget.

Mayor Vail opened the Public Hearing and requested comments. No comments were made.

Mayor Vail closed the Public Hearing.

B. Consideration, discussion, and possible action regarding the adoption of the FY 2023-2024 Final Budget and Resolution No. 2023-11. (10 mins.)

Councilmember Collet moved that we approve Resolution Number 2023-11, and Councilmember Aldaz seconded the motion. Motion carried. Aye: Mayor Vail, Vice Mayor Brush, Councilmember Wirth, Councilmember Collet, Councilmember Aldaz

C. Consideration, discussion, and possible action to appoint community member(s) to fill the vacancy/vacancies on the Planning and Zoning Commission. (5 mins.)

Mayor Vail announced the Town had received one applicant for the vacancy on the Planning and Zoning Commission from Ben Gomez.

Councilmember Collet moved to appoint Ben Gomez to the Planning and Zoning Commission to the terms of the vacant seat, and Vice Mayor Brush seconded the motion. Motion carried. Aye: Mayor Vail, Vice Mayor Brush, Councilmember Wirth, Councilmember Collet, Councilmember Aldaz

D. Consideration, discussion, and possible action regarding Ordinance 2023-01 Adopting Certain Dark Sky Compliance Standards. (10 mins.)

Town Manager Hendrix advised that she and Vice Mayor Brush had been working on this project. She commented that these standards are currently proposed to be enveloped into the new Planning and Zoning Code. She noted there is still quite a bit of work to do on the Code, and we want to move forward with the Dark Sky Compliance Ordinance. She also commented that we have been working with our attorneys to have the ordinance ready to bring to the Council. She explained that she received a copy yesterday, but she needs to review it with the Vice Mayor first.

Vice Mayor Brush spoke about the meetings and the participants in creating the ordinance. He noted he will be reaching out to various entities in the Park over the next month to try to get letters of support. He added that eventually, they will have quarterly outreach programs for the public.

Town Manager Hendrix commented that Dark Skies is part of the Council's media plan and the strategic plan to encourage astrotourism. She noted there is a lot of anecdotal evidence to support that the Town has benefitted from astrotourism.

Vice Mayor Brush spoke of the popularity of the Star Party and anything star related.

Councilmember Wirth requested that the businesses be given a head's up and be heard on this topic as it may impact some of them concerning lighting. She added it would be a courtesy to involve the businesses.

Pete Shearer spoke about keeping safety in mind with the street lighting, especially for the crosswalks.

E. Consideration, discussion, and possible action regarding Explore Tusayan Initiative and possible updates. (5 mins.)

Town Manager Hendrix noted she left this item open in case we received information from our partners at the Chamber.

Mayor Vail commented that she had heard from the managers in the hotel industry that the reservations for July and August are really down. She suggested we should do something for July and August as to marketing and maybe even in foreign markets.

Councilmember Wirth commented on the tremendous traffic coming from Las Vegas.

Town Manager Hendrix commented that she has a meeting with the Town's marketing person regarding reaching some new outlets, and the Council agreed.

F. Consideration, discussion, and possible action regarding July 4th Celebration, Holiday Light Celebration, marketing, and other Town Events. (5 mins.)

Town Manager Hendrix commented that we had a great Fourth of July. She noted it is early, but we now turn our mindset to Christmas and to our Holiday Events. She advised that the Drone Show people asked if we want to be on reserve for next year.

Mayor and Council comments included that they liked having two shows as well as the timing for the program. They all agreed to reserve a Drone Show for next year.

Town Manager Hendrix asked for the Council's permission to engage the native designer for the imagery for next year. The Council agreed.

Town Manager Hendrix spoke of Holiday lights noting that last year, they discussed that this year they would add levels to the Christmas tree. She explained that we can purchase two more levels for the tree, and staff has suggested that we make that purchase. The Council agreed.

Town Manager Hendrix commented that we are targeting the first Friday, again, in December for the Lighting Ceremony. She asked the Council to think about it, for future meetings, to see if they would prefer a different day.

Mayor Vail asked that Town Manager Hendrix and the Council think about an astrotourism event for the future.

Councilmember Wirth suggested having an astrotourism event that was different than the ones in the Park while not competing with them. She also suggested that during the event, there be some teaching about the constellations. She asked if the Town could do some type of marketing in the Las Vegas area because she thinks there would be a lot of interest there.

G. *Consideration, discussion and possible action regarding Preliminary NEPA findings regarding the Tusayan Trails Master Plan. (5 mins.)*

Vice Mayor Brush noted that he and Town Manager Hendrix had a meeting with Tom Klimas. and he spoke of the construction site by the 302 needing a little realignment on one of the trail sections.

Town Manager Hendrix commented that the Forest Service is going to ask for one other small change, and Tom Klimas indicated that it is probably a day's worth of work. She asked if that was fine with the Council because he is asking for approval of that Change Order. The Council was fine with the Change Order.

H. *Consideration, discussion, and possible action regarding street pavement project recommendations. (5 mins.)*

Town Manager Hendrix explained that yesterday, we received an indemnification letter from the Town Engineer. She explained they are willing to go forward with the design that we have talked about, as long as the Town provides them indemnification. She sent the letter to our Town Attorney this morning, but they have not sent back any comments. She advised that the recommendation that she has for the Council is that if they are interested in approving this, they should approve it contingent upon their comments and their review.

In response to a question by Mayor Vail, Town Manager Hendrix explained that the boundary line on the plans does not show all the way up to the school property because they divided the project up into natural boundaries based on property ownership. She noted

that when we presented this to the Council the first time, there were time deadlines; we were trying to get something to the Council in time for that meeting. She commented that it is divided into five parts based on who has ownership of the property.

Town Manager Hendrix explained that the Council had a choice to wait to see what the Town Attorneys say or choose to indemnify the Town Engineer's firm.

Council Member Collet shared his understanding of the reason for the request for indemnification. He commented that there was a section that the Town Engineer thought warranted a redesign; it was considerably drastic, but he was willing to basically mimic the footprint that is there with the newer design. Council Member Collet stated he will design what we want, but he is recommending that it be considerably different.

Town Manager Hendrix commented that the Town Engineer is stating that if we want them to go forward and design it the way it is, they will do that, but they have to be indemnified. She clarified that the language in the indemnification letter is 'the Town' not the Sanitary District. She commented that she guessed that the Town Engineer's firm would also want an indemnification letter from the Sanitary District because we do not own it.

Town Manager Hendrix advised that she just received the letter late yesterday and had not had time to research it. She recommended that the Town check with the insurance company and the attorneys.

Robert Petzoldt of the Sanitary District commented that he had not seen the map, or the plans being referred to, but to his understanding, the revisions are concerning areas that are not on ADOT property, but on the School property and personal private property that the Sanitary District never asked for. He noted that for simplicity's sake, the Sanitary District has only been hoping to get the portion from the roundabout up to just where the fire hydrant is at the School property. He strongly recommended that we just stick to what we are looking at doing and get that taken care of because he sees this turning into a snowball; we really just want to fix that one part of the road.

Mayor Vail commented that she is O.K. with the Town Manager continuing to move forward with the attorney because she does not want to prolong the process anymore. She asked that the Town Manager do the research and get that back to the Council. She added that the Sanitary District needs to know about the indemnification just as much as we do.

Mr. Petzoldt stated the Sanitary District has been operating that road for almost 25 years the way it is, and if it were inadequate and something happened, we would have been sued anyway, engineered or not engineered.

Councilmember Collet explained that the Town Engineer's point was that under the current guidelines for road design, curves are mandated to be at a certain angle, a certain speed, and everything has to be designed just so. He continued, if we cannot provide that, then the Town Engineer wants to be indemnified for having designed a road that does not meet current build criteria, but then could be accommodated by signage making it safe to navigate.

Robert Petzoldt stated the Sanitary District carries that burden of responsibility all the time anyway. He noted that improving it will only help the District, not hinder it in their liability situation.

Pete Shearer of the Sanitary District shared the history of how the Sanitary District was asked to take over after landowners who owned the road in the 1990s got sued. He explained that they needed easements for two miles of reclaimed line so that they could save the community precious potable water and save the aquifer and the springs. So, they entered into this IGA with the Town with the understanding that the District wanted to do whatever they could to improve the safety and accessibility on that road. He commented that he thought we had a consensus from the Sanitary District Board that they would be willing to indemnify the Town because they already carried the insurance. He stated they would really like to see this project move forward, and if that curve is the problem, then let us just stop at the fire hydrant at the tower.

Mr. Shearer noted that the Sanitary District put in the road through the School site, from Canyon Pines all the way up to what we are talking about today by the tower, and that has held up very well. He commented that he talked to the previous Chairman of the Sanitary District who recommends that we keep that concrete to keep the cost down because it has a good base, rebar in it, and it will cost us a lot extra. He suggested the District be involved with the Town Engineer in the design. He indicated the Town could just turn it over to the Sanitary District and let them pave it with the Town Engineer's supervision, and they could make this happen rather quickly. He stated they have it as an action item on their next agenda.

Mayor Vail asked if turning this over to the Sanitary District was possible and Town Manager Hendrix replied yes. She explained that is why we did all this, so we have a design to attach to an RFQ that we could turn over to the Sanitary District and then we can authorize a maximum amount to be spent under the RFQ.

Pete Shearer, as the Vice President of the School Board, commented that if we do include the portion that goes across the School site, that is going to slow it down because we have to have that reviewed by our attorneys. He stated it would be much simpler if we just stop it before it gets on the School property, or it could be a delay of three to six months.

Town Manager Hendrix stated that the only thing more we would need for this path, would be an additional IGA with the Sanitary District. She commented that she had already asked our attorneys to be prepared that it might be coming, and if it does, they will have to do it quickly.

I. Consideration, discussion, and possible action regarding Stilo Pre-Annexation Development Agreement (PADA), National Forest Special Use Authorization Permit Joint Application Process and Associated Expenses. (3 mins.)

Mayor Vail announced that this Item will be heard after the Executive Session. Reports were heard next to be followed by the Executive Session.

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, A.4, and A.7, discussion regarding Stilo Pre-Annexation Development Agreement (PADA), National Forest Special Use Authorization Permit Joint Application Process and Associated Expenses.

- B. Pursuant to A.R.S. § 38.431.03 A.1, Discussion regarding presentation of 2023-2024 Town Manager's goals for review. (10 mins.)**

9. REPORTS

A. Town Manager

1. Town Manager Report

Town Manager Hendrix referred Mayor Vail and Council to her written report for the full details of her report, and she gave an overview of the highlights. She recognized Mike Scott, the Grand Canyon Food Pantry President, in attendance. She commented that we have been moving forward on the Tusayan Town Pantry for which we are going to contract with the Grand Canyon Food Pantry to operate on our behalf, unless they have changed their mind and decided against it. She noted that it is hoped that the first emergency distribution will take place on July 20, 2023.

Mike Scott explained that this arrangement will be very similar to the Food Pantry's arrangement in the Park. He stated that the Town owns the plant equipment, and the Grand Canyon Food Pantry is the management agency and the people who deal with St. Mary's Food Bank. He spoke about dealing with the County to be permitted to operate. He further explained that only food in its original container will be given away, no cooking or repackaging. He commented that we will get volunteers to staff it, and he thanked the Council for their support.

Town Manager Hendrix stated we will have finally completed the second draft of the Planning and Zoning Code. It is being reviewed one more time, and in August our Workshop will be devoted to this.

Mayor Vail asked Town Manager Hendrix if it will be a joint meeting with the Planning and Zoning Commission. Town Manager Hendrix replied yes, and it is scheduled to take place on the fourth Wednesday in August, if that works for everyone.

a. Notices

b. Organization reports

1. Finance

2. Parks and Recreation

3. Engineering

c. 2023 Meeting Schedule

1. Annual Town Calendar

2. Annual Budget Calendar

3. Strategic Planning Updates

B. Council Members

Councilmember Wirth reported on the Monthly Finance Report. She commented that she did not see the interest on the Chase Bank statement and would find out if they show it on a quarterly basis versus a monthly basis. She shared information on various accounts and investments including the interest earned for each. She noted that Alliance Bank monthly statements do not reflect any interest, and there is no indication that any interest is being earned. Town Manager Hendrix will look into this.

C. Mayor

1. Proposed National Monument Baaj Nwaavjo I'tah Kukveni Grand Canyon National Monument Status Update

Mayor Vail commented that she suggested to Town Manager Hendrix that Tom Klimas' firm, Westland Engineering, may have legal counsel as well; they learned that Westland has three in-house attorneys. She noted that Mr. Klimas has seen a copy of the draft Presidential Proclamation. She has talked to State Representative Grijalva's Office and has not heard back yet as to whether the draft is public or not. She explained that if it is, she will make it public as soon as it is permissible. She noted that she will work on it with the Town Manager to keep it moving forward with submitting additional language for the official proclamation. Councilmember Collet agreed to work with them.

D. Tusayan Fire District

1. Financial

2. Equipment

3. Other

Tusayan Fire Department Chief Brush commented on the new engine noting that with all the delays they are still projecting a completion date of August 15, 2023. He thanked the Town of Tusayan and all the residents for the replacement engine.

E. Tusayan Sanitary District

Pete Shearer announced that the Sanitary District's easement is up in 2030; that is, the Forest Service part all the way through Canyon Pines and they also have RP Drive down in the valley. He explained that the Sanitary District will keep it until 2030, but then seed the Town with the idea that the Town receives HURF funds, and it may be better for the Town to take over the insurance and the maintenance of these roads. He noted we have seven years to think about it, but the Sanitary District really should get back to just doing wastewater treatment, not spending their resources on public roads if the Town is willing and wants to go in that direction. He spoke of making the School site safer by getting the trucks off the site. They have a new truck coming next month to better service every business in Town and keep their service operating correctly.

Mr. Shearer explained that they tried to get the County to take over the roads, and the County told the Forest Service that they are too remote; nobody wanted paved roads up here. He commented that at the end of last month, the Coconino Plateau Water Advisory Commission met with the Sanitary District and had a work session during which WIFA indicated that there is a lot of money available for flood plain mitigation and other things such as water systems. He added that the deadline is the end of July, then there will be

another cycle. He noted the District would encourage the Town to move forward with the flood mitigation. He indicated they met with attorney Jack Moody and the Town Manager, and the Forest Service said we just need the modified 30 Percent Plans to review – which we have. He explained that we need Mr. Moody to make a few changes to resubmit, and so it is in the Town's ball court. He requested that this be put on next month's agenda to try to move that forward because we have been talking about it for 10 to 11 years.

F. Tusayan Justice Court

G. NACOG – Northern Arizona Council of Governments

There was no update on NACOG.

10. FUTURE AGENDA ITEMS

No future agenda items were mentioned.

At 6:27 p.m., Mayor Vail announced there will be direction on Item 7.I after the Executive Session. Mayor Vail moved that we enter into Executive Session, and Vice Mayor Brush seconded the motion. Motion carried. Aye: Mayor Vail, Vice Mayor Brush, Councilmember Wirth, Councilmember Collet, Councilmember Aldaz

At 7:40 p.m., Mayor Vail called the meeting back to order.

Item 7.I (*Consideration, discussion, and possible action regarding Stilo Pre-Annexation Development Agreement (PADA), National Forest Special Use Authorization Permit Joint Application Process and Associated Expenses*) was addressed. Mayor Vail informed the public that the Town has hired Frank Cassidy, PC specifically to work on the Stilo Pre-Annexation Development Agreement and its amendments as well as everything that encompasses.

11. MOTION TO ADJOURN

At 7:42 p.m., Councilmember Collet moved to adjourn, and Vice Mayor Brush seconded the motion. Motion carried. Aye: Mayor Vail, Vice Mayor Brush, Councilmember Wirth, Councilmember Collet, Councilmember Aldaz

Clarinda Vail 8/8/23
Clarinda Vail, Mayor Date

ATTEST:
Tina M. Abriani 08-08-23
Tina M. Abriani, Town Clerk

CERTIFICATION

STATE OF ARIZONA
COCONINO COUNTY

§
§
§

I, TINA ABRIANI, 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 JULY 11, 2023. I further certify that the meeting was duly called and held, and that a quorum was present.

Sina M. Albriani *08-10-23*
Town Clerk Date