

To view City Council's
2016/2017 Strategic Priorities
and
Individual Priorities,

please visit our website at
cityofpage.org/government/councilpriorities
or stop in at the City Clerk's Office in City Hall for a copy.

Thank you

**PAGE CITY COUNCIL/PLANNING & ZONING COMMISSION
JOINT WORK SESSION MEETING MINUTES
OCTOBER 12, 2016**

A Work Session Meeting of the Page City Council was held at 5:30 p.m. on October 12, 2016, in the Council Chambers at City Hall in Page, Arizona. Mayor Bill Diak presided. Vice Mayor John Kocjan, Councilors Mike Bryan, Scott Sadler, Levi Tappan, and Dennis Warner were present. Councilor Corey Seyler was excused.

Mayor Diak called the meeting to order.

Planning and Zoning Chair Rob Peterson presided. Members Lyle Dimbatt, Shelley Johnstone, Bubba Ketchersid, LeRoy Wicklund, and Bill Justice were present. Member John Mayes was excused.

Staff members present: City Manager, J. Crystal Dyches; City Attorney, Joshua Smith; Community Development Director, Kim Johnson; IT Director, Kane Scott; Planning and Zoning Director, Robin Crowther; Police Chief, Frank Balkcom; Page Utility Enterprises General Manager, Bryan Hill; and City Clerk, Kim Larson.

Discussion by the City Council and Planning and Zoning Commission pertaining to an amendment to City of Page Zoning Code Section 7.5 Lighting

Community Development Director Kim Johnson stated that staff was seeking direction on where City Council wanted to go with lighting. Discussion began with LED Lighting, and that the Zoning Code would need to be amended to include LED lighting.

There was discussion pertaining to Dark Sky, and that public input would be needed.

Community Development Director Kim Johnson stated that she needed clarification on the process.

Mayor Diak referred to the July 27, 2016 Work Session Meeting where Dr. Barentine offered to assist the City with the Dark Sky concept. Mayor Diak liked Dr. Barentine's suggestion of a phased in approach.

Mayor Diak asked Ms. Johnson if a decision was needed right away for the Zoning Code update, and she responded that she did not anticipate that the code would be done until the first of the year, therefore there was some time.

There was discussion pertaining to the different types of lighting.

Community Development Director Kim Johnson asked City Council if it would be alright for the Planning and Zoning Commission to work on the Dark Sky concept, have the Zoning Code Task Force review it, and then bring it back before City Council.

Page City Council Work Session Meeting Minutes – October 12, 2016

Planning and Zoning Chair Rob Peterson said that he would like to determine if there is community interest.

There was further discussion regarding the different colored lights, how to educate the public, exceptions needed for stadium lighting, Christmas lights, and how to make the change palatable to the citizens.

There was discussion pertaining to new development and that the majority of new residential plans are dark sky compliant, and the main changes would be for the business environment.

Mayor Diak brought up the cost just for the City to become compliant with some of the Dark Sky requirements written in other City Codes.

Councilor Tappan brought up the fact that the City currently had lighting that was not in compliance with the City's current code, and that more emphasis needed to be put on Code enforcement.

PUE General Manager Bryan Hill stated that Dr. Barentine had sent PUE a beta unit, LED street light. The street light was placed on the north side of the City Hall parking lot so that the quality of the light can be viewed at night.

Councilor Warner stated that Kim Johnson had a good overall plan of action.

Community Development Director Kim Johnson recommended that the Planning and Zoning Board take the language that the Board has been working on and bring in the Dark Sky experts to have them tweak the language, and ask the Dark Sky experts to help facilitate a couple of public meetings. The information could then be included in the Zoning Code process. The adoption of the Zoning Code includes having a Public Hearing.

The meeting was adjourned at 6:34 p.m.

Kim Larson
City Clerk

William R. Diak
Mayor

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the City Council Work Session Meeting, held on the 12th day of October, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26th day of October, 2016

Kim Larson, City Clerk

**PAGE CITY COUNCIL
REGULAR MEETING MINUTES
OCTOBER 12, 2016**

A Regular Meeting of the Page City Council was held at 6:30 p.m. on October 12, 2016, in the Council Chambers at City Hall in Page, Arizona. Mayor Bill Diak presided. Vice Mayor John Kocjan, Councilors Mike Bryan, Scott Sadler, Levi Tappan, and Dennis Warner were present. There was a moment of meditation. Councilor Tappan led the Pledge of Allegiance. Councilor Corey Seyler was excused.

Mayor Diak called the meeting to order.

Staff members present: City Manager, J. Crystal Dyches; City Attorney, Joshua Smith; Police Chief, Frank Balkcom; and City Clerk, Kim Larson.

PRIORITY LIST

Discussion and possible action by the City Council pertaining to the City Council Strategic Priorities

There was no discussion by the City Council.

Discussion and possible action by the City Council pertaining to the City Councilors individual priorities

There was not discussion by the City Council.

MINUTES

Work Session Meeting – September 19, 2016
Work Session Meeting – September 28, 2016
Regular City Council Meeting –September 28, 2016

Motion made by Vice Mayor Kocjan to approve the minutes. The motion was duly seconded and passed upon a vote.

CONSENT AGENDA

MINUTES

Parks and Recreation Advisory Board - September 12, 2016
Community Development Advisory Board - August 23, 2016

INFORMATION

Proclamation - Cities and Towns Week

Motion made by Vice Mayor Kocjan to approve the consent agenda. The motion was duly seconded and passed upon a vote.

PUBLIC HEARINGS

None

Page City Council Regular Meeting-October 12, 2016

HEAR FROM THE CITIZENS

Art Jensen, Page resident, talked about the Arizona State Tax Credit and encouraged everyone to donate and support services they valued in the City of Page. He stated that there are over 100 justifiable organizations to donate to, and the tax credit is \$1.00 for each \$1.00 donated.

UNFINISHED BUSINESS

None scheduled

NEW BUSINESS

Certificate of Appreciation presentation to Larry D. Clark, Sr. in recognition of outstanding service and dedication to the City of Page (landscaping and beautification – Navajo Wall)

Mayor Diak read the Certificate of Appreciation for Larry D. Clark, Sr.

“City of Page, Arizona, Certificate of Appreciation presented to Larry D. Clark, Sr. in recognition of outstanding service and dedication to the City of Page for the landscaping and beautification of each end of the Navajo Wall, and for adopting the hydrant in honor of those who died due to the medical helicopter crash in Flagstaff, Arizona on June 29, 2008.”

Certificate of Appreciation presentation to Grant Gardner in recognition of outstanding service and dedication to the City of Page (Vermillion Cliffs entrance)

Mayor Diak read the Certificate of Appreciation for Grant Gardner.

“City of Page, Arizona, Certificate of Appreciation Presented to Grant Gardner in recognition of outstanding service and dedication to the City of Page for adopting the west entrance of Vermillion Cliffs Corrals and Arena as a Boy Scout American Eagle project.”

Mayor Diak presented Larry D. Clark, Sr. and Grant Gardner their Certificates of Appreciation. He stated that this was something new the City was doing, and he hoped to continue this process moving forward. The reporter from the Page Chronicle was present and took a picture for the newspaper.

John Cook, Page residence, stated that both of the recipients of the Certificate of Appreciation were very special to him and he made praised both individuals for being outstanding citizens.

Discussion and possible action by the City Council pertaining to authority to accept RICO Money to purchase an evidence burn barrel

The Page Police Department Evidence Division is in need of a burn barrel to enhance the Departments ability to efficiently dispose of drugs, blood, sharps and other hazardous materials stored in the evidence room. The Department would like to free up

Page City Council Regular Meeting-October 12, 2016

space in the evidence room and timely disposition procedures are part of the solution.

The Police Department would like to use Racketeer Influenced and Corrupt Organization (RICO) Funds to purchase the burn barrel.

Police Chief Frank Balkcom introduced the agenda item.

There was discussion.

Motion made by Councilor Warner giving authorization to accept RICO Money to purchase an evidence burn barrel.

There was discussion and questions on how the burn barrel worked. A video of burn barrel (Terminator) was presented to City Council.

The motion was duly seconded and passed upon a vote.

BID AWARDS

None scheduled

BUSINESS FROM THE MAYOR

None scheduled

BUSINESS FROM THE MANAGER

None scheduled

BUSINESS FROM THE CITY ATTORNEY

None scheduled

The following agenda items were moved to this portion of the agenda.

BOARDS & COMMISSIONS

Discussion by the City Council pertaining to reports by Board Liaisons

Councilor Warner, Parks and Recreation Advisory Board, stated that the Board has been working on a Parks Master Plan for City Wide Parks and John C. Memorial Park. There will be an Open House on Monday, October 24, 2016 from 5:30 p.m. to 7:30 p.m. The consultants will be in Page and they will be presenting the final draft to the community, as well as the final concept plan for John C. Memorial Park. They will resume a final review and it will come to Council in the early part of November.

DEPARTMENTS

None scheduled

CLAIMS

Page City Council Regular Meeting-October 12, 2016

None scheduled

**BUSINESS FROM THE COUNCIL
EXECUTIVE SESSION**

16.1 Pursuant to ARS § 38-431.03 (A (A) Discussion or consideration of employment assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that such discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with such notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether such discussion or consideration should occur at a public meeting.

City Manager, Crystal Dyches Evaluation

Motion made by Councilor Sadler to enter into Executive Session for both Executive Sessions. The motion was duly seconded and passed upon a vote.

Mayor Diak reconvened the Regular City Council Meeting at 8:35 p.m.

Discussion and possible action by the City Council pertaining to City Manager, Crystal Dyches evaluation

Motion made by Vice Mayor Kocjan to amend the Appointment Agreement as discussed in Executive Session

EXECUTIVE SESSION

16.2 Pursuant to ARS § 38-431.03 (A (A) Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that such discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with such notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether such discussion or consideration should occur at a public meeting.

City Clerk, Kim Larson Evaluation

Discussion and possible action by the City Council pertaining to City Clerk, Kim Larson evaluation

Motion made by Vice Mayor Kocjan to amend the Appointment Agreement as discussed in Executive Session.

ADJOURN

The meeting was adjourned at 8:36 p.m.

Page City Council Regular Meeting-October 12, 2016

Kim L. Larson
City Clerk

William R. Diak
Mayor

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the City Council Regular Meeting, held on the 12th day of October, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26th day of October, 2016

Kim Larson, City Clerk

CITY OF PAGE
MONTHLY CASH ALLOCATION COMPARISON

		<u>Jul-16</u>	<u>Aug-16</u>
01-1110200	LGIP - GENERAL SAVINGS ACCT	4,904,487.66	5,960,357.06
01-1110300	CASH A/P CHECKING (COMBINED)	3,570,886.40	3,698,408.99
01-1110400	CASH P/R CHECKING (COMBINED)	136,843.83	152,433.15
01-1110600	U.S. BANK INVESTMENT ACCT	6,006,746.08	6,007,689.21
15-1120300	LGIP - HURF SAVINGS ACCT	1,932,505.23	1,951,098.07
20-1520600	LGIP - SERIES 2011 BOND RESRV	2,424,180.89	2,424,969.52
32-1120400	JCEF SAVINGS ACCOUNT	58,641.77	59,054.14
72-1120700	FIRE PENSION SAVINGS	37,427.88	38,427.12
72-1121100	FIRE PENSION-INVESTMENT ACCT	460,709.96	467,848.63
01-2110000	ACCOUNTS PAYABLE	0.00	-121.70
		<u>19,532,429.70</u>	<u>20,760,164.19</u>

<u>FUND</u>		<u>Jul-16</u>	<u>Aug-16</u>
10	ALLOCATION TO GENERAL FUND	11,798,852.41	12,938,174.44
15	ALLOCATION TO HIGHWAY USER FUND	1,873,031.90	1,936,211.44
16	ALLOCATION TO SUBSTANCE ABUSE FUND	19,737.66	20,149.49
20	ALLOCATION TO DEBT SERVICE FUND	2,685,460.15	2,794,706.53
25	ALLOCATION TO MISCELLANEOUS GRANTS	48,411.56	47,956.47
30	ALLOCATION TO LIBRARY MISCELLANEOUS GRAN	0.00	0.00
32	ALLOCATION TO JCEF FUND	56,237.39	56,717.52
36	ALLOCATION TO DONATION FUND	53,118.40	53,075.68
40	ALLOCATION TO CAPITAL PROJECTS FUND	477,804.70	508,683.50
41	ALLOCATION TO BALLOON REGATTA FUND	0.00	0.00
42	ALLOCATION TO TOURISM & PROMOTION FUND	446,597.96	435,756.50
46	ALLOCATION TO AIRPORT FUND	1,143,294.59	1,177,435.77
48	ALLOCATION TO LAND FUND	150,072.00	0.00
50	ALLOCATION TO PAGE UTILITY ENTERPRISES	-1,568.59	-1,357.60
51	ALLOCATION TO WATER FUND	-1,059.03	-726.57
52	ALLOCATION TO SEWER FUND	-1,007.07	-884.21
57	ALLOCATION TO CEMETERY FUND	286,819.16	288,905.81
72	ALLOCATION TO FIRE PENSION FUND	496,626.51	505,359.42
		<u>19,532,429.70</u>	<u>20,760,164.19</u>

PAGE UTILITY ENTERPRISES

COUNCIL COMMUNICATION

MEETING DATE: October 26, 2016

DATE: October 19, 2016
TO: Honorable Mayor Bill Diak & Page City Council
FROM: Bryan Hill, P.E., General Manager
SUBJECT: Award Headworks Project to FANN Environmental

SUMMARY/RECOMMENDATIONS:

Waste water (sewage) is gathered throughout the City of Page through the utility's Waste Water Collection System. The Waste Water Collection System then deposits all Waste Water into the 'Headworks', the initial stage (system) of the Waste Water Treatment Plant (WWTP). Specifically, the Headworks accept all the raw Waste Water and pre-processes by removing grit, removing large solids and adding chlorine. Page's Headworks is deteriorated, imposes a capacity restriction on the plant, and is marginally functional by design at our current flows and configuration.

A unique opportunity has been presented to Page. The City of Prescott is willing to gift the Headworks hardware from their recently abandoned Headworks in exchange for demolition. The cost of this demolition is \$38,000. FANN Environmental, the Contractor competitively awarded Page's Job Order Contract, has submitted a packaged proposal to perform this demolition required by Prescott, provide design engineering services for a new Headworks facility in Page, and to construct the new Headworks.

If Page were to replace the deteriorated hardware in the existing Headworks, the cost of would be approximately \$180,000. This path would continue to impose a limit on plant capacity and the inflicted operational design deficiencies. If Page were to move forward with the FANN proposal using Prescott's Headworks hardware, the proposed cost to Page is to not exceed \$325,000 and act to remedy these specific restrictions and deficiencies. If Page were to wait and construct a new Headworks in the future with new Hardware to accomplish the same objective the cost would be approximately \$700,000 in 2016 Dollars.

During the regularly scheduled monthly PUE Board meeting conducted on September 13, 2016, the PUE Board reviewed Staff's recommendations & FANN's proposal. The Board voted unanimously to recommend that Page City Council award FANN Environmental the project.

Funding for this project \$250,000 is provided by Fund 52 Capital Additions and Replacements FY16/17 52-000-3621, the time for demolition, engineering and construction is anticipated to go into FY17/18 and accordingly \$75,000 will need to be provided by FY17/18.

ATTACHMENTS: 1) Proposal by FANN Environmental; 2) Cost comparisons prepared by FANN Environmental and Utility Staff; 3) Agreement with the City of Prescott.

SUGGESTED MOTION:

I move to award FANN Environmental the Design – Build of a new Headworks facility at the Page Waste Water Treatment Plant using Hardware from the City of Prescott as proposed not to exceed \$325,000.00



Bryan Hill, P.E., General Manager



One Stop Environmental Solutions

6708 Corsair Ave., Suite A • Prescott, AZ 86301 • Phone: 928-778-5335 • Fax: 928-778-5670 • ROC-A-206365 • ROC-B-249529

Page Utilities
Attn: Bryan Hill
PO Box 1180
Page, AZ 86040

August 8, 2016

Re: Turnkey Proposal for the Design-Build of a New Headworks Facility for the WWTP

Dear Mr. Hill,

Fann Environmental is pleased to extend an opportunity to you for saving a considerable amount of money in the design and installation of a new headworks facility.

I know that we have been discussing the replacement and upgrading of the existing headworks and static screens for a few years now, knowing that that it is one of the hydraulic limitations of the plant's existing capacity. The current screening system is in very poor in condition and it exposes the operators to the direct handling of raw sewage under very un-sanitary conditions that create unnecessary odors, flies and other vectors. The headwork's and screening operations are always one of the largest hazards in working around wastewater and it can be minimized if the inflow were treated properly. The more efficient the screening of the inert and materials and removal of grit at the headworks allowing only the organic material to pass through the better the complete wastewater treatment process works. All of the inert materials are captured at the headworks and with the least amount of handling can be safely hauled directly to the landfill for disposal.

As part of a Joint Venture we recently completed a 35 million dollar expansion of the City of Prescott's Airport Wastewater Treatment Plant. A new headworks was included in that expansion and their existing headworks was taken offline and abandoned once the new system was operational. The abandoned headworks was comprised of a Vulcan Mechanical Bar Screen, manual bypass bar screens, flume and grit separation basin and removal equipment. The equipment is all in very good condition, the mechanical bar screen and most of the other equipment is made mostly of 304 stainless steel with the exception of the drive components. The mechanical bar screen is rated for a maximum flow of about 11 MGD, it has been operating at about 4.5 MGD for the last 10years or so. The current (new) value of the identical screen is about \$135,000.00. During construction of the new plant we provided a proposal to demolish their old headworks for a cost of \$38,000.00. The City opted at that time to hold off on the demo work as they had other items that took precedent for the funding.

We have worked with the City of Prescott and they are willing to donate the equipment at no charge in exchange for the demolition of the headworks, by salvaging all of the equipment mentioned prior including the electrical control cabinets, gratings, hand-railing and removing the concrete structure a couple of feet below the ground surface.

Essentially, Page Utilities would be buying all of the equipment for a cost of \$38,000.00. We also have another advantage, as we were the ones who installed this equipment in the first place and still have all of the original design drawings. The design would still need to be reconfigured to specifically fit the area considered for the installation at your plant, but the design cost would be considerably less. Also to remove any potential risk to the City of Page should any reason come up where the City cannot use the salvaged equipment for any reason Fann Environmental will accept the equipment in exchange for the \$38,000.00.

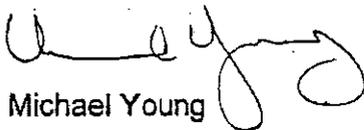
The not to exceed turnkey construction costs for designing and building a new headworks utilizing the equipment from the City of Prescott along with incorporating the original design where possible is as follows:

Salvage of Equipment:	\$ 38,000.00
Engineering:	
Including all engineering and design drawings	\$ 30,000.00
ADEQ Permitting	\$ 10,000.00
Construction of the Headworks Structure:	
Excavation	\$ 15,000.00
Concrete Structure and Piping	\$165,000.00
Installation of Equipment	\$ 32,000.00
Electrical	<u>\$ 35,000.00</u>
Total Turnkey Not To Exceed Cost:	\$325,000.00

The engineering and design should only take about three months with one month for review. A Construction Schedule will be provided upon completion of the design, total construction is expected to take no more than 8-9 months. The construction can also be phased in according to the available funding.

Please feel free to contact me with any questions.

Respectfully Submitted,



Michael Young



One Stop Environmental Solutions

6708 Corsair Ave., Suite A • Prescott, AZ 86301 • Phone: 928-778-5335 • Fax: 928-778-5870 • ROC-A-206365 • ROC-B-249529

Page Utilities
Attn: Bryan Hill
PO Box 1180
Page, AZ 86040

September 6, 2016

Re: Estimated Costs to Rehabilitate the Existing Headworks Facility for the WWTP

Dear Mr. Hill,

Included in this estimated cost proposal to rehabilitate the existing headworks facility for the wastewater treatment plant.

The existing headworks are in very poor shape, and the concrete structure is undersized for the existing flow rates. Because of the narrow channel there is too much velocity through the headworks to effectively remove any grit and or screenings as the pass through the headworks to the aerated equalization basins. The existing channel is too narrow to utilize the mechanical bar screen acquired from the City of Prescott.

Currently there is only a static bar screen in the channel to catch the larger floatable items that come through the collection system. A new mechanical bar screen would cost \$135,000.00 for the screen plus \$8,000 to install.

The existing comminutor (grinder) will need to be completely replaced at a cost of approximately \$65,000.00 plus about \$5,000.00 to install.

The grit auger also needs replacement a new one would cost about \$45,000.00 plus \$5,000.00 to install. (the one that is included with the City of Prescott equipment could be possibly be used).

The grit separation equipment was removed sometime in the 1980's. To replace it would cost about \$25,000 installed for the complete mechanism including the wipers. However I believe that there is way too much velocity for any of the grit to settle and be directed to the auger for removal. (that equipment is also included in the equipment from the City of Prescott).

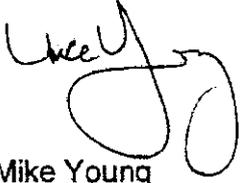
The existing fine screens also need to be replaced, they are currently the only real screening that is being done before the water goes to the oxidation ditches. The cost to replace the existing fine screens is estimated at \$35,000.00 installed.

Even with all of the equipment being replaced the concrete structure headworks structure itself is under sized for the current and future flows to effectively remove the grit.

Please feel free to ask any questions.

If I can be of more help, please let me know.

Thanks,

A handwritten signature in black ink, appearing to read "Mike Young". The signature is stylized with a large, sweeping loop at the end.

Mike Young

President



**TRANSACTION AGREEMENT
2016-314**

1. THE PARTIES TO THIS AGREEMENT ARE:

- 1.1 City of Prescott, a municipal corporation of the State of Arizona (hereinafter "City").
- 1.2 Page Utility Enterprises, a not for profit public power entity, owned by the City of Page corporation (hereinafter "PUE")

2. THE PERSONAL PROPERTY TO BE GOVERNED BY THIS TRANSACTION AGREEMENT:

The following property: Wastewater Treatment Headworks Equipment consisting of: one mechanical barscreen, one grit removal system and all appurtenances thereto.

Maintenance Management System Asset Number: AP_GTR_1

Description:

Mechanical Barscreen

Manufacturer: Vulcan Industries, Inc.

Model: Vulcan MENCH

Serial Number: 3523-402

Grit Removal System

Manufacturer: US Filter

Model: AS Grit Screw 1886Z87-2

Serial Number: 20135-01

3. TRANSACTION:

The City, through its duly elected officials, have declared the personal property that is a part of this transaction to be surplus to the City and of nominal value. See City Resolution No. 4339-1548.

Removal of the personal property has been estimated at \$38,000.00. PUE will assume all actual costs associated with removal of the personal property, either directly, or through a subcontractor, that is the subject of this Transaction Agreement.

4. NO WARRANTIES OR GUARANTEES:

4.1 No warranty or guarantee whatsoever is given regarding the personal property.

4.2 PUE admits having inspected the equipment to his/her satisfaction and agrees that no guarantees or warranties of any nature were expressed or implied by the City or its agent regarding the condition, quality or fitness for future uses, thereof.

5. DISCLAIMER:

The personal property referenced in this Transaction Agreement is being transferred "As-Is" and the City shall not be liable for any defects, patent, latent or otherwise and accepts no responsibility for related injuries for the removal of the personal property by PUE, or PUE's subcontractors from City property, nor does the City assume any responsibility or liability for any future uses of the personal property by PUE, or any of PUE's future assigns. The City makes no representations, guarantees or warranties as to the fitness of the personal property for any future intended uses by PUE, or PUE's future assigns.

6. INDEMNIFICATION & HOLD HARMLESS AGREEMENT

To the fullest extent allowed by law, PUE hereby agrees to indemnify, defend and hold harmless the City, its departments and divisions, its employees and agents, from any and all claims, liabilities, expenses or lawsuits as a result of PUE's removal or use of the personal property set forth herein, whether said claims, liabilities, expenses or lawsuits arise by the acts or omissions of PUE or its agents or employees, or whether by the acts or omissions of the PUE's subcontractors, their agents or employees. To the fullest extent permitted by law, PUE shall defend, indemnify and hold harmless the City, its agents, representatives, officers, directors, officials and employees from and against all claims, damages, losses and expenses (including but not limited to attorney fees, court costs, and the cost of appellate proceedings), relating to, arising out of, or alleged to have resulted from the acts, errors, mistakes, omissions, work or services PUE, its employees, agents, or any tier of subcontractors in relation to PUE's removal of the personal property from the City, or for any future uses of the personal property by PUE, or PUE's future assigns. PUE's duty to defend, hold harmless and indemnify the City, its agents, representatives, officers, directors, officials and employees that arise in connection with any claim, damage, loss or expense that is attributable to bodily injury, sickness, disease, death, or injury to, impairment, or destruction of property including loss of use resulting therefrom, caused by any acts, errors, mistakes, omissions, work or services in the performance of this Transaction Agreement, including, but not limited to PUE's removal of the personal property from the City and any future uses of the personal property by PUE or PUE's assigns. The duty to defend, indemnify and hold harmless includes not only PUE, but any employee of PUE or any tier of subcontractor or any other person for whose acts, errors, mistakes, omissions, work or services for whom PUE may be legally liable.

7. CONFLICT OF INTEREST

Pursuant to A.R.S. Section 38-511, the City may cancel this agreement, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating the agreement on behalf of the City is, at any time while the agreement or any extension of the agreement is in effect, an employee or agent of any other party to the agreement in any capacity or a consultant to any other party of the agreement with respect to the subject matter of the agreement. In the

event of the foregoing, the City further elects to recoup any fee or commission paid or due to any person significantly involved in initiating, negotiating, securing, drafting or creating this agreement on behalf of the City of Prescott from any other party to the agreement arising as a result of this agreement.

IN WITNESS WHEREOF, the parties have executed this Transaction Agreement this 21 day of June, 2016.

CITY: Harry B. Oberg
Harry B. Oberg, Mayor

ATTEST:

Dana R. DeLong
Dana R. DeLong, City Clerk

APPROVED AS TO FORM:

Jon M. Paladini
Jon M. Paladini, City Attorney

PUE: Bryan Hill
Name (printed): BRYAN HILL
Title: GENERAL MANAGER.



Request for City Council Action

Title:	Re-establishment of an appointed Board of Adjustment		
Meeting Date:	October 26, 2016	Agenda Item Number:	
Agenda Section:	<input type="checkbox"/> Consent <input type="checkbox"/> Public Hearings <input type="checkbox"/> Old Business <input type="checkbox"/> New Business <input checked="" type="checkbox"/> Other _ Business from the Council	Action:	<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance
Originating Department:	City Council	Supporting Documents:	N/A
Prepared By:	City Clerk Kim Larson	Presented By:	Councilor Warner
Reviewed By:		Approved By:	
Proposed Action:	Motion to re-establish an appointed Board of Adjustment		

BACKGROUND:

At the January 13, 2016 Regular City Council Meeting, the Council adopted Resolution 1154-16, which allowed the City Council to act as the Board of Adjustment.

At the League of Cities and Towns Annual Conference, the Mayor and a few Councilors attended a session on City Zoning Issues. At that session it was determined that it is ill-advised for a Council to serve as the Board of Adjustment.

STAFF RECOMMENDATION:

Motion to prepare a Resolution to re-establish an appointed Board of Adjustment