

**PAGE CITY COUNCIL
REGULAR MEETING MINUTES
JULY 22, 2015**

A Regular Meeting of the Page City Council was held at 6:30 p.m. on July 22, 2015, 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, David Tennis and Dennis Warner were present. There was a moment of meditation. City Attorney Joe Estes led the Pledge of Allegiance.

Mayor Diak called the meeting to order.

Staff members present: City Attorney, Joe Estes; IT Director, Mike Bergner; Page Utilities General Manager, Bryan Hill; Human Resource Administrator, Kay Eddlemon; Deputy City Clerk, Sue Kennedy; 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 no discussion by the City Council.

MINUTES

Work Session Meeting – July 8, 2015

Regular City Council Meeting – July 8, 2015

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

CONSENT AGENDA

MINUTES

Page Substance Abuse Task Force – February 18, 2015

Page Substance Abuse Task Force – March 18, 2015

Page Substance Abuse Task Force – April 15, 2015

Page Substance Abuse Task Force – May 20, 2015

Page Airport Advisory Board – May 11, 2015

Page Community Center Board – May 6, 2015

Page Planning and Zoning Commission – June 16, 2015

INFORMATION

Letter of Resignation-Sharon Sparks-Richardson-Page Community Center Board

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

Page City Council Regular Meeting-July 22, 2015

PUBLIC HEARINGS

None

HEAR FROM THE CITIZENS

No citizens addressed the City Council.

UNFINISHED BUSINESS

Discussion and possible action by the City Council pertaining to a new Chapter 15 of the Code of the City of Page entitled "Chapter 15 – Boards, Commissions and Authorities", Ordinance 622-15-2nd reading

At the Regular City Council Meeting on July 8, 2015, City Council approved the first reading of Ordinance 622-15 that establishes consistency between Advisory Boards, Commissions, as well as City Authorities.

In an effort to establish consistency between Advisory Boards and Commissions, staff drafted a new chapter in the City Code. The new language provides the same general provisions for each board and commission, including establishment, cooperation of City Officials, members, ineligibility, appointment and terms of members, remuneration and lobby efforts. The new chapter also references City Authorities.

At the April 8, 2015, City Council Work Session, the City Council discussed proposed changes to the City Code and directed changes to the document and directed staff to seek input from the Advisory Boards and Commission members. The Advisory Boards and Commissions had the opportunity to review and provide input. Changes include the creation of a Youth Advisory Committee, elimination of the Golf Course Advisory Committee, broadening the scope of responsibilities and changing the name of the Tourism Advisory Board to the Community Development Advisory Board, and adding two additional members to the Parks and Recreation Advisory Board.

Motion made by Vice Mayor Kocjan to introduce Ordinance 622-15 by title only for its second reading. The motion was duly seconded and passed upon a vote.

The City Clerk introduced Ordinance 622-15 by title only.

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF PAGE, COCONINO COUNTY, ARIZONA, REPEALING CHAPTER 2, ARTICLES 6, 10, 11, 12, 13, 14 AND CHAPTER 14, ARTICLE 11 OF THE CODE OF THE CITY OF PAGE AND ADOPTING "CHAPTER 15 - BOARDS, COMMISSIONS AND AUTHORITIES" BY REFERENCE AS CHAPTER 15 OF THE CODE OF THE CITY OF PAGE AND PROVIDING FOR SEVERABILITY AND THE EFFECTIVE DATE THEREOF.

Motion made by Councilor Sadler to adopt Ordinance 622-15. The motion was duly seconded and passed upon a vote.

Page City Council Regular Meeting-July 22, 2015

NEW BUSINESS

Discussion and possible action by the City Council pertaining to applying all FY 2015-2016 and future land sale proceeds to Capital Projects Fund – Resolution 1146-15

During budget discussions, the City Council determined that as a result of allocating sales tax revenues towards the payment of the City's bond debt, it was no longer necessary to apply land sale funds to the Bond Debt Reduction Fund and directed that all future land sales should be placed into a Capital Projects Fund.

Motion made by Vice Mayor Kocjan to introduce Resolution 1146-15 by title only. The motion was duly seconded and passed upon a vote.

The Deputy City Clerk introduced Resolution 1146-15 by title only.

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF PAGE, COCONINO COUNTY, ARIZONA, AMENDING RESOLUTION NO. 1106-13 TO PROVIDE THAT THE PROCEEDS REALIZED FROM ALL FUTURE CITY LAND SALES SHALL BE PLACED IN THE CAPITAL PROJECTS FUND TO BE USED FOR THE SOLE PURPOSE OF FUNDING THE CITY'S CAPITAL PROJECTS.

Councilor Tappan expressed concerns regarding removing land sale revenue funds from the repayment of the bond debt, when the City continues to collect fees for the bond debt on utility bills.

Councilor Warner stated that the utility fees are dedicated to utility projects.

Councilor Bryan stated that the most important issue is that this puts a mechanism in place to pay the bond debt, and also have money to fund much needed capital projects.

There was lengthy discussion.

Councilor Sadler pointed out that there is no guarantee of land sales, but when they occur, there will be money for capital improvements, in addition to the Capital Funds line item.

There was further discussion.

Motion made by Vice Mayor Kocjan to adopt Resolution 1146-15. The motion was duly seconded and passed 5 in favor and 2 opposed with Mayor Diak, Vice Mayor Kocjan, and Councilors Warner, Sadler and Bryan voting in favor, and Councilors Tappan and Tennis voting against.

Discussion and possible action by the City Council pertaining to appointing Bryan Hill as City of Page Air Boss or Balloonmeister for the Annual Lake Powell Hot Air Balloon Regatta

Page City Council Regular Meeting-July 22, 2015

Mayor Diak introduced the item by stating that Bryan Hill has been volunteering as Balloonmeister for many years, but as the Balloon Regatta Committee had recently moved away from the City being its fiduciary agent, Mr. Hill asked for a clarification of his duties. Since the Regatta is still a City sponsored event, it allows for the Balloonmeister to fall under the City insurance for the event. Mr. Hill requires the Risk Management and Coverage of the City as his current status as a City employee.

The Balloon Regatta Committee supports Bryan Hill's appointment.

City Attorney Joe Estes explained that the City is no longer the fiduciary agent for the Balloon Regatta Committee, and the Committee is no longer a subcommittee of the Tourism Board, but it is still a City sponsored event. The Balloonmeister would like a guarantee of insurance coverage in case of a law suit, clarifying that the City's insurance does not cover the entire event, only the Balloonmeister during the event.

Kay Eddlemon, Human Resources Administrator, stated that the City of Page insurance will only cover Bryan Hill in his Air Boss capacities during the event; it does not cover the event itself.

Bryan Hill, Page Utilities General Manager, explained the following:

He has done four events and all of them have been governmental, but it is no longer clear that the Page Balloon Regatta is a governmental event.

The Air Boss is always named in lawsuits. As such, he requires the City's coverage for potential lawsuits. Today's action would protect only him.

The Balloon Regatta Committee, probably in conjunction with Tourism, buys special aviation event insurance which covers the City.

All pilots carry their own insurance, and the event policy covers those that may not.

There was discussion.

Motion made by Councilor Tappan to appoint Bryan Hill, General Manager of the City of Page's Page Utility Enterprise to continue the duties of the Page Lake Powell Regatta Air Boss, also known as Balloonmeister. This appointment shall be carried out as a City of Page employee with zero additional compensation. This appointment is contingent upon the Page Lake Powell Balloon Regatta committee, which is no longer part of the City of Page Tourism, securing all resources necessary to conduct the event. The motion was duly seconded and passed upon a vote.

Discussion and possible action by the City Council pertaining to approving the amended agreement for Residential Solid Waste and Recyclables Collection

Page City Council Regular Meeting-July 22, 2015

Pursuant to Ordinance 615-14, the City Council approved changes in the City's Code that repealed Chapter 9, Article 2 Subsection 1 of the Code of the City of Page entitled Garbage Collection "Exclusive Right" and replaced it with a new ordinance. This change to the City's Code was necessary given a statutory change in ARS §49-746 in late 2010 concerning the restriction of competition in commercial waste management. Prior to the 2010 change, cities with populations under 60,000 could maintain exclusive rights to garbage collection for both residential and commercial waste management. With the 60,000 population limitation removed, Page is now obligated under the statute to allow for competition in commercial waste collection.

The City's contract for solid waste collection removal (the "**Contract**") with Allied Waste Services of Page, Inc. ("**Allied**") originally provided for exclusivity in the collection of commercial waste, however, because of the above noted changes to State statute in 2010 and the City's subsequent changes to City Code, the Allied contract required revisions to remove language concerning commercial garbage collection. Additionally, at the March 11, 2015 meeting, Allied requested an annual CPI rate increase, which led to discussion by Council concerning the language in the contract regarding annual increases or decreases (paragraph 3.03 of the Contract), which were addressed in the amendments to the Contract. Through numerous discussions with Allied, it is proposed to simplify paragraph 3.03 and have it provide for increases or decreases pursuant to only the Consumer Price Index for Western Cities (the "**Index**") as compared to the Index for the 12 months preceding, and setting the current rate at \$21.00 per month for residential service. An additional amendment to the Contract lowers the monthly free dumping service weight for residential customers from 1000 lbs per month to 500 lbs per month.

City Attorney Joe Estes introduced the amendment to the existing contract, stating that it had to be rewritten because of the new exclusivity versus allowing for competition laws, the Consumer Price Index language that Council wanted cleaned up, other costs and rates were addressed as well as weight dump limits, and the issue of individuals who are not residents of Page using the utility bills of others to dump at no cost. He also stated that there has been no residential rate increase from 2014.

There was discussion.

Councilor Sadler stated that the 500 pounds per month dumping limit for the residents was too low.

Councilor Warner's stated concerns about non-residents using the City's dump, and stated that the current proposed contract is very much lighter than the initial proposal.

There was lengthy discussion regarding the no-cost dumping weight limit.

Page City Council Regular Meeting-July 22, 2015

Motion made by Councilor Tennis to approve the Agreement for Residential Solid Waste and Recyclables Collection Removal by and between the City of Page and Allied Waste Services of Page, Inc., with amendment to section 6.03 Transfer Station Operation Cost to state "Residents will pay the stated gate rate for every ton (prorated) over 2,000 pounds per quarter". 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

Discussion and update concerning the Foust v. City of Page civil lawsuit

City Attorney Joe Estes gave an update regarding the Foust civil litigation brought by the two adult daughters of Mr. Foust, who died in a shooting in Page in 2011. He stated that the first trial in Federal Court in December of 2014 resulted in a hung jury, with 6 in favor of the City and the officer, and 2 in favor of the Plaintiffs. The case was retried in May of 2015 with a result of a complete defense verdict in favor of the City and the officer.

The City has the right to collect their assessed costs for the trials from the Plaintiffs, the amount being \$15,000.00. The Plaintiffs offered to waive their right to appeal the verdict in exchange for the City waiving the \$15,000.00 reimbursement. Both sides were agreeable to this and the case was closed.

BUSINESS FROM THE COUNCIL

None scheduled

BOARDS & COMMISSIONS

Discussion by the City Council pertaining to reports by Board Liaisons

Councilor Warner, Airport Board, stated that at the last meeting, current construction activities were discussed, and the topic of publicizing the meetings on Channel 4 was met with no objections.

Councilor Warner, also of the Parks & Recreation Board, stated there was a presentation from Judy Weiss, the Park & Recreation Director for Coconino County, who provided a broad scope overview for the City, and that the Board will likely make a long range plan recommendation to Council in the near future. Also, an ad hoc Rim

Page City Council Regular Meeting-July 22, 2015

Trail committee has been established and the committee met and discussed enhancements and improvements to the trail.

Vice Mayor Kocjan, Page Utility Enterprise Board, stated that the board will make a formal recommendation regarding publicizing the meetings.

Councilor Sadler, Planning and Zoning Commission, stated that the broadcasting of the meetings was discussed and will come in the minutes.

Discussion and possible action by the City Council pertaining to appointments to the Page Community Center Board

Motion made by Councilor Tappan to appoint Virginia Nicholas to the Page Community Center Board with a term ending June 2016.

DEPARTMENTS

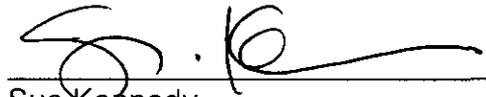
None scheduled

CLAIMS

None scheduled

ADJOURN

The meeting was adjourned at 7:47 p.m.



Sue Kennedy
Deputy City Clerk

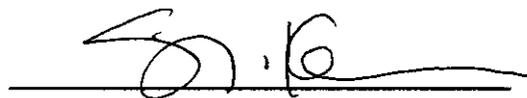


William R. Diak
Mayor

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 22nd day of July, 2015. I further certify that the meeting was duly called and that a quorum was present.

Dated this 12th day of August, 2015

A handwritten signature in black ink, appearing to read 'Sue Kennedy', is written over a horizontal line. The signature is stylized and cursive.

Sue Kennedy, Deputy City Clerk