

PRESCOTT CITY COUNCIL REGULAR VOTING MEETING A G E N D A

**PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, JANUARY 24, 2012
3:00 P.M.**

**Council Chambers
201 South Cortez Street
Prescott, Arizona 86303
(928) 777-1100**

The following Agenda will be considered by the Prescott City Council at its **Regular Voting Meeting** pursuant to the Prescott City Charter, Article II, Section 13. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

◆ **CALL TO ORDER**

◆ **INTRODUCTIONS**

◆ **INVOCATION**

◆ **PLEDGE OF ALLEGIANCE** Councilman Lamerson

◆ **ROLL CALL**

Mayor Kuykendall
Councilman Arnold
Councilman Blair
Councilman Carlow

Councilman Hanna
Councilman Kuknyo
Councilman Lamerson

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

I. RECOGNITION

A. Recognition of Bill Feldmeier as outgoing member of the Arizona Department of Transportation Board.

II. CONSENT AGENDA

CONSENT ITEMS A – C LISTED BELOW MAY BE ENACTED BY ONE MOTION. ANY ITEM MAY BE REMOVED AND DISCUSSED IF A COUNCILMEMBER SO REQUESTS.

A. [Approval to purchase cold patch material from Copperstate Pavement Products through the cooperative use contract with Mohave County in an amount not to exceed \\$20,000.00.](#)

B. [Approval of annual maintenance renewals with TechLogic for RFID technology used at the library check-out and check-in points in a total amount of \\$13,026.93.](#)

- C. Approval of the minutes of the January 3, 2012, Workshop and the January 10, 2012, Regular Voting Meeting.

III. REGULAR AGENDA

- A. Public Hearing and consideration of a liquor license application from John Alexander Phillips applicant for PPLD, LLC for a Series 07, *Beer & Wine Bar*, license for Park Plaza Liquor & Deli located at 402 West Goodwin Street.
- B. Adoption of Resolution No. 4119-1229 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, appointing “The Sesquicentennians” to be tasked with rededication and subsequent reopening of the time capsule on February 14, 2062.
- C. Adoption of Resolution No. 4118-1228 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, allowing acceptance of a grant from the Arizona Peace Officer Standards and Training Board in the amount of \$28,500 to facilitate placement of chain link fencing around the perimeter of the City of Prescott Police Department’s Shooting Range and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- D. Approval to purchase asphaltic rubber crack sealant via ADOT contract No. T0721A0067 in an amount not to exceed \$100,000.00.
- E. Award of a three-year unit price contract to D&K Farming Enterprises, LLC for hauling and disposal of biosolids from the City’s Wastewater Treatment Facilities in amount not to exceed \$705,375.00.
- F. Adoption of Ordinance No. 4824-1224 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, accepting title to real property known as the Beurie Property located near Willow Lake, and authorizing the Mayor and staff to execute any and all documents to effectuate said purchase.
- G. Settlement of Linscott Claim in the amount of \$45,000.00.
- H. Presentation on City wastewater treatment plants.

IV. ADJOURNMENT

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on _____ at _____ .m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

Elizabeth A. Burke, MMC, City Clerk

COUNCIL AGENDA MEMO -1/24/2012
PROCUREMENT ITEM FOR CONSENT AGENDA (\$10,000 - \$20,000)

DEPARTMENT: Field and Facilities

AGENDA ITEM: Cold Patch Material

Approved By:	Date:
Division Head: Bobbie King, Field Operations Superintendent	
City Manager: Craig McConnell <i>Craig McConnell</i>	1-17-12

Good(s) or Service(s) to be Purchased	
Description of Item(s) Check if Prof. Services <input type="checkbox"/>	Cold Patch Materials
Quantity	As need – total purchase not to exceed \$20,000.00
Necessity/Use	Patching potholes throughout the City

Summary of Written Quotes (exclusive of tax) or Professional Services Proposals			
		** See Note (1) below for professional services **	
x	Vendor (Name and Location)	Price	Delivery/Schedule
x	1. Copperstate Pavement Products	\$8.96/bag	On demand
	2.		
	3.		

x = recommended award

Notes: (1) Professional services may not be selected by price; indicate the price & delivery only for the vendor selected on the basis of qualifications, after which the final price and schedule were negotiated.

(2) Provide justification for sole source purchases in "Additional Comments" below.

Budget Information	Fund Name: Street Maintenance Materials
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Additional Comments: Pricing was obtained from the cooperative use contract with Mohave County.

Attachments	1.
	2.
	3.

COUNCIL AGENDA MEMO – (January 24, 2012)
PROCUREMENT ITEM FOR CONSENT AGENDA (\$10,000 - \$20,000)

DEPARTMENT: Library

AGENDA ITEM CAPTION: TechLogic Annual Maintenance Renewals

Approved By:	Date:
Department Director:	
City Manager: <i>Tracy McCreath</i>	<i>1-18-12</i>

Good(s) or Service(s) to be Purchased	
Description of Item(s) Check if Prof. Services <input checked="" type="checkbox"/>	TechLogic Annual Maintenance Renewals
Quantity	17 CirCit seats, 17 antennas
Necessity/Use	Needed for SelfCheck, and all check out and check in of library materials.

Summary of Written Quotes (exclusive of tax) or Professional Services Proposals			
		** See Note (1) below for professional services **	
x	Vendor (Name and Location)	Price	Delivery/Schedule
	1.TECHLOGIC CORP, MN (CIRCIT)	\$7,446.93	1/1/12-12/31/12
	2.TECHLOGIC CORP, MN (ANTENNA)	\$5,580.00	1/1/12-12/31/12

x = recommended award

Notes: (1) Professional services may not be selected by price; indicate the price & delivery only for the vendor selected on the basis of qualifications, after which the final price and schedule were negotiated.

(2) Provide justification for sole source purchases in "Additional Comments" below.

Budget Information	Fund Name: COUNTY AUTOMATION 1004207-8523-90007
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Additional Comments: Annual maintenance charges for RFID technology used at all library check-out and check-in points. Includes support, repairs and software updates. TechLogic was selected by the Yavapai Library Network as the preferred vendor of SelfCheck and Automated Materials Handling services.

Attachments	1. Invoice #15003662S3 for Tech Logic Corp.
	2.
	3.



Tech Logic Corp.
 1818 Buerkle Rd.
 White Bear Lake, MN 55110
 Phone: 651-747-0492
 Fax: 651-747-0493
 www.tech-logic.com

Invoice

Date Dec 29, 2011	Page 1
Invoice Number 15003662S3	

Remit to:
EB 105
PO BOX 1691
MINNEAPOLIS, MN 55480-1691

Sold To:

Ship To:

Prescott Public Library
 Prescott Public Library
 P.O. Box 2059
 Prescott, AZ 86302
 USA

Prescott Public Library
 215 East Goodwin Street
 Prescott, AZ 86303
 USA

Order No. ORD15003662S3	Order Date Dec 29, 2011	Customer No. PRE001C	Salesperson AZ	PO Number	Ship Via	Terms NET30
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Qty. Ord.	Qty. Shp.	Qty. B/O	Item Number	Description	Unit Price	UOM	Extended Price
17	17	0	28000004	CirCit Renewal Maintaince (One Year Agreement) January 1, 2012 - December 31, 2012	400.00	SEAT	6,800.00
17	17	0	29000004	#45005959 Singel Antenna Extended Warranty January 1, 2012 - December 31, 2012	300.00	YEAR	5,100.00

Comments:	Tax summary:		
	OE0202	1,126.93	
			Subtotal 11,900.00
		Total Sales Tax	1,126.93
		Amount due (USD)	13,026.93

COUNCIL AGENDA MEMO – 01/24/12

DEPARTMENT: City Clerk

AGENDA ITEM: Public Hearing and consideration of a liquor license application from John Alexander Phillips applicant for PPLD, LLC for a Series 07, *Beer & Wine Bar*, license for Park Plaza Liquor & Deli located at 402 West Goodwin Street

Approved By:

Date:

Department Head: Elizabeth A. Burke, City Clerk	
Finance Director: Mark Woodfill	
Acting City Manager: Craig McConnell <i>Craig McConnell</i>	<i>1-17-12</i>

A Liquor License Application, City No. 12-191, State No. 07135002, has been received from John Alexander Phillips, applicant for PPLD, LLC for a Series 07, *Beer & Wine Bar*, license for **Park Plaza Liquor & Deli** located at 402 West Goodwin Street.

The public hearing will be held at the Regular Council Meeting of Tuesday, January 24, 2012. The applicant has been requested to attend the Regular Meeting to answer any questions Council may have.

A copy of the application is available for Council's review in the City Clerk's Office.

Recommended Action: (1) **MOVE** to close the Public Hearing; and (2) **MOVE** to approve/deny State Liquor License Application No. 07135002, for a new Series 07, *Beer & Wine Bar*, for John Alexander Phillips applicant for Park Plaza Liquor & Deli located at 402 West Goodwin Street.

R19-1-102. Granting a License for a Certain Location

Local governing authorities and the Department may consider the following criteria in determining whether public convenience requires and that the best interest of the community will be substantially served by the issuance or transfer of a liquor license at a particular unlicensed location:

1. Petitions and testimony from persons in favor of or opposed to the issuance of a license who reside in, own or lease property in close proximity.
2. The number and series of licenses in close proximity.
3. Evidence that all necessary licenses and permits have been obtained from the state and all other governing bodies.
4. The residential and commercial population of the community and its likelihood of increasing, decreasing or remaining static.
5. Residential and commercial population density in close proximity.
6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers.
7. Effect on vehicular traffic in close proximity.
8. The compatibility of the proposed business with other activity in close proximity.
9. The effect or impact of the proposed premises on businesses or the residential neighborhood whose activities might be affected by granting the license.
10. The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report(s) of such activity at least 20 days before the hearing by the Board.
11. Comparison of the hours of operation of the proposed premises to the existing businesses in close proximity.
12. Proximity to licensed childcare facilities as defined by A.R.S. § 36-881.

Historical Note

Former Rule 2; Former Section R4-15-02 renumbered as Section R4-15-102 without change effective October 8, 1982 (Supp. 82-5). Repealed effective July 11, 1983 (Supp. 83-4). New Section adopted effective March 3, 1993 (Supp. 93-1). R19-1-102 recodified from R4-15-102 (Supp. 95-1). Amended by final rulemaking at 11 A.A.R. 5119, effective January 9, 2006 (Supp. 05-4).

**ARIZONA STATE LIQUOR LICENSES
TYPES / PURPOSES
AS OF 09/10**

SERIES 01 -- In-State Producer's License

Allows an in-state producer to produce or manufacture spirituous liquor and sell the product to a licensed wholesaler.

SERIES 02 -- Out-of-State Producer's License

Allows an out-of-state producer, exporter, importer or rectifier to ship spirituous liquor into the state to a licensed Arizona wholesaler.

SERIES 02L -- Limited Out-of-State Winery Application License

Allows an out-of-state winery to sell 50 cases of wine or less per calendar year and ship the wine into the state to an Arizona licensed wholesaler.

SERIES 02L -- Limited Out-of-State Domestic Farm Winery Application License

Allows an out-of-state domestic winery within or outside of the U.S. to produce less than 20,000 gallons of wine annually and ship the wine into the state to a licensed wholesaler.

SERIES 02L -- Limited Out-of-State Domestic Microbrewery Application License

Allows an out-of-state domestic microbrewery within or outside of the U.S. to ship beer into the state to a licensed Arizona wholesaler.

SERIES 03 -- Domestic Microbrewery License

Allows the licensee of a microbrewery to manufacture or produce at least 5,000 gallons but less than 310,000 gallons of beer annually.

SERIES 04 -- Wholesaler's License

Allows a wholesaler to warehouse and distribute for sale, spirituous liquor to a licensed retailer.

SERIES 05 -- Government License

Allows the holder of a government license to sell and serve spirituous liquor solely for consumption on the premises for which the license is issued. The license is issued in the name of a county, city, town or state university whose governing body has authorized its use.

SERIES 06 -- Bar License – TRANSFERABLE

Allows a bar retailer to sell and serve spirituous liquors, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises.

SERIES 07 -- Beer and Wine Bar License - TRANSFERABLE

Allows a beer and wine bar retailer to sell and serve beer and wine, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises.

SERIES 08 -- Conveyance License (Airplanes, Trains, and Boats)

Allows the owner or lessee of an operating airline, railroad or boat to sell all spirituous liquors in individual portions or in original containers for consumption *only* on the plane, train or boat.

SERIES 09 -- Liquor Store License (All spirituous liquors) - TRANSFERABLE

Allows a spirituous liquor store retailer to sell all spirituous liquors, only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises. (Also available a Series 09S – Sampling Privileges)

SERIES 10 -- Beer and Wine Store License (Beer and wine only)

Allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises. (Also available a Series 10S – Sampling Privileges)

SERIES 11 -- Hotel/Motel License (with Restaurant)

Allows the holder of a hotel/motel license to sell and serve spirituous liquor solely for consumption on the premises of a hotel or motel that has a restaurant where food is served on the premises.

SERIES 12 -- Restaurant License

Allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

SERIES 13 -- Domestic Farm Winery License

Allows a domestic farm winery licensee to manufacture or produce more than 200 gallons, but less than 40,000 gallons on wine annually.

SERIES 14 -- Club License

Allows the holder of a club license to sell and serve spirituous liquor for consumption only on the premises owned, leased or occupied by the club, and only to bona fide members of the club and their guests.

SERIES 15 -- Special Event License

Allows a charitable, civic, fraternal, political or religious organization to sell and serve spirituous liquor for consumption only on the premises where the spirituous liquor is sold, and only for the period authorized on the license. This is a temporary license.

SERIES 16 -- Wine Festival/Wine Fair License (Temporary)

1. *Wine festival license:* Allows a licensed domestic farm winery to serve samples of its products on the wine festival premises and the sale of such products in original containers for consumption off the wine festival premises.
2. *Wine fair license:* Allows a licensed domestic farm winery to serve samples of its products at a sanctioned county or state fair, and the sale of such products in original containers for consumption off the fair premises.

SERIES 17 -- Direct Shipment License

Allows an out-of-state producer, exporter, importer, or rectifier, blender or other producer of spirituous liquor to take orders from retail customers by telephone, mail, catalog or the Internet. The orders must be shipped into the state to a licensed Arizona wholesaler. The wholesaler must sell the product to a licensed retailer. The retailer will deliver the spirituous liquor to the customer.

COUNCIL AGENDA MEMO – January 24, 2012

DEPARTMENT: Community Development

AGENDA ITEM: Resolution to appoint the next group of time capsule keepers, "The Sesquicentennians"

Approved By:

Date:

Department Head: Tom Guice, Community Development Director

Finance Director: Mark Woodfill

City Manager: Craig McConnell



1-19-12

Summary

Resolve to appoint "The Sesquicentennians" to be tasked with re-dedication and subsequent re-opening of the time capsule on February 14, 2062.

Background

As a component of Arizona's 100th birthday and local statehood day celebrations, the City of Prescott is carrying on with a tradition established 50 years ago at the cornerstone laying and dedication ceremony for what was then the "new" City Hall. As part of that ceremony a group of Prescott Students were selected as the "Prescott Centennians" with their primary mission to be the group responsible for the opening of the time capsule placed within the building at a point 50 years in the future - February 14, 2012.

This group will be conducting the capsule opening as part of statehood day events at the Elks Theatre on February 14, 2011. They are also working to establish the next group of students to carry on the tradition of the time capsule for the next 50 years.

This next group, known as the "Sesquicentennians" (representing the 150 year mark of statehood), will be responsible for taking part in the ceremony at the Elks related to the time capsule, taking part in the rededication ceremony when it is replaced within the building, and then in 50 years time, participating in the re-opening to be held on February 14, 2062.

There were 15 students from Prescott schools selected to be part of the "Sesquicentennians" group based on either nomination by a current Centennian, or by participation in an essay contest where students wrote about Prescott. The top essays were selected by the Writers Guild and those students were invited to participate in the group.

Recommended Action: MOVE to adopt Resolution 4119-1229.

RESOLUTION NO. 4119-1229

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, APPOINTING "THE SESQUICENTENNIANS" TO BE TASKED WITH REDEDICATION AND SUBSEQUENT REOPENING OF THE TIME CAPSULE ON FEBRUARY 14, 2062

RECITALS:

WHEREAS, the City of Prescott desires to carry on the tradition established 50 years ago at the cornerstone laying and dedication ceremony for what was then the "new" City Hall by appointing a group of students to participate in the future opening of a time capsule; and

WHEREAS, the City of Prescott sought student participants for this project and received numerous submittals. The current Centennian group selected 15 students to participate in carrying on the legacy.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

Section 1. That 15 students shall be appointed as "The Sesquicentennial Group" to carry out the time capsule tasks.

Section 2. This group will be made up of Tayhlar Teney, Colin Hicks, Emily Robbins, Rhia Alvarez, Britny Bunger, Ava Tambaugh, Denali Skinner, Karissa Merrell, Hanna Voevodsky, Cameron Tews, Kyra Bryce, Sydney DeMoss, Emily McMahon, Emily Hobson, Clay Gross.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this 24th day of January, 2012.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. BURKE, City Clerk

GARY D. KIDD, City Attorney

COUNCIL AGENDA MEMO – January 24, 2012

DEPARTMENT: Police

AGENDA ITEM: Resolution No. 4118-1228 allowing acceptance of \$28,500 in grant funds from the Arizona Peace Officer Standards and Training Board

Approved By:

Date:

Department Head: Michael Kabbel, Chief of Police

Finance Director: Mark Woodfill

City Manager: Craig McConnell



1-17-12

Summary

The Prescott Police Department requests approval of a resolution to accept \$28,500 in grant funding provided by the Arizona Peace Officer Standards and Training Board (AZ POST). Awarded funds will facilitate placement of chain link fencing around the perimeter of the Police Department's shooting range.

Background

To enhance safety and security, it has been a priority of the Police Department to construct chain link fencing around the entire perimeter of our shooting range located at 1750 Sundog Ranch Road. After consultations with AZ POST regarding our needs, we received notification on January 3, 2012, that they had approved a grant award totaling \$28,500 for this purpose, pending formal acceptance. Although it is unlikely the funds will be sufficient to enclose the range completely, the award will provide our Department significant assistance toward fulfilling our goal of a fully secure facility.

Budget

There are no requirements for local matching funds associated with this grant award. Consequently, there will be no fiscal impact to the City.

Recommended Action: MOVE to adopt Resolution No. 4118-1228.

RESOLUTION NO. 4118-1228

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, ALLOWING ACCEPTANCE OF A GRANT FROM THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD IN THE AMOUNT OF \$28,500 TO FACILITATE PLACEMENT OF CHAIN LINK FENCING AROUND THE PERIMETER OF THE CITY OF PRESCOTT POLICE DEPARTMENT'S SHOOTING RANGE AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ANY AND ALL STEPS NECESSARY TO ACCOMPLISH THE ABOVE

RECITALS:

WHEREAS, the Prescott Police Department consulted with Arizona Peace Officer Standards and Training Board ("AZ POST") regarding its need to construct chain link fencing around the entire perimeter of the shooting range located at 1750 Sundog Ranch Road, the Prescott Police Department; and

WHEREAS, on January 3, 2012, the Prescott Police Department received notification that that AZ POST had approved a grant award totaling \$28,500 for this purpose pending formal acceptance; and

WHEREAS, there are no requirements for local matching funds associated with these grant awards and therefore, there will be no fiscal impact to the City; and

WHEREAS, the City of Prescott and the Arizona Peace Officer Standards and Training Board have the authority to enter into the foregoing agreement pursuant to ARS Sections 11-952, 48-3603(9) and 9-240(5).

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

Section 1. THAT the City of Prescott hereby authorizes the acceptance of grant funding from the Arizona Peace Officer Standards and Training Board in the total amount of \$28,500 to be used to construct chain link fencing around the entire perimeter of the shooting range located at 1750 Sundog Ranch Road, the Prescott Police Department; and

Section 2. THAT the Mayor and staff are hereby authorized to execute any and all documents to effectuate the foregoing and all previous documents executed by them as necessary to accept the grant funding.

PASSED AND ADOPTED by the Mayor and Council of the City of Prescott this 24th day of January, 2012.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. BURKE, City Clerk

GARY D. KIDD, City Attorney

III-D

COUNCIL AGENDA MEMO – January 24, 2012

DEPARTMENT: Field and Facilities

AGENDA ITEM: Purchase of asphaltic rubber crack sealant via ADOT Contract No. T0721A0067 in an amount not to exceed \$100,000.00

Approved By:

Date:

Division Head: Bobbie King, Field Operations Superintendent

Finance Director: Mark Woodfill

City Manager: Craig McConnell



1-13-12

Summary

The Streets Division seeks approval for procurement of asphaltic rubber crack sealant through the Arizona Department of Transportation Contract #T0721A0067.

Background

Crack sealing is an integral part of the City's Street Pavement Preservation and Maintenance Program. In addition to preventing deterioration of streets from moisture intrusion as identified by the Streets Division throughout the year, the process is used in conjunction with the annual Chip Seal Program to extend the life of pavement segments determined by Engineering. Crews work through the colder months to maximize the effectiveness of the process.

Financial Impact

ADOT currently has a contract (#T0721A0067) with Crafc0, Inc., Chandler, Arizona, for the price of \$0.3941 per pound. There is no local supplier of this product.

Purchase of the sealant from Crafc0, Inc., is recommended in an amount not to exceed \$100,000.00, for which funding is available in the street maintenance budget.

Recommended Action: **MOVE** to approve purchase of asphaltic rubber crack sealant from Crafc0, Inc., in accordance with ADOT contract T0721A0067 in an amount not to exceed \$100,000.00.

COUNCIL AGENDA MEMO – January 24, 2012

DEPARTMENT: Public Works

AGENDA ITEM: Award of a 3-year unit price contract to D&K Farming Enterprises, LLC, for hauling and disposal of biosolids from the City's Wastewater Treatment Facilities in an amount not to exceed \$705,375.

Approved By:	Date:
Department Head: Mark Nietupski, Public Works Director	
Finance Director: Mark Woodfill	
City Manager: Craig McConnell 	1-19-12

Summary

This item is to approve a unit price contract with D&K Farming Enterprises, LLC, for hauling biosolids from the City's Wastewater Treatment Facilities to an approved landfill and/or other approved land application site in accordance with Environmental Protection Agency (EPA) and Arizona Department of Environmental Quality (ADEQ) regulations. The initial contract term is for a three-year period, subject to annual adoption of the City budget, with two additional one-year options for renewal. In the event the options to renew the contract are approved by Council in the future the contract term could be as long as 5 years (3+1+1). The contract amount is for the initial 3-year term with expected annual costs of \$235,125 based on the 4,500 tons of biosolids and the maximum unit price of \$52.25 for landfill disposal under this contract.

Background

The City's Wastewater Treatment Facilities produce up to 4,500 tons of biosolids each year. Biosolids from the Sundog facility are suitable for land application, however, those from the Airport facility are not suitable for land application and must be disposed of in an approved landfill. Available capacity at approved landfill sites and weather conditions typically dictate the ultimate destination of biosolids from the Sundog facility.

The City contracts for services to transport and dispose of biosolids generated by the Sundog and Airport Wastewater Treatment Facilities. D&K Farming Enterprises was awarded the last contract in 2008, and provided service in conformance with the contract terms.

On November 27 and December 4, 2011, a Notice Inviting Bids for Wastewater Biosolids Disposal was advertised and two bids were received on December 22, 2011. The solicitation requested bids for two disposal bid alternates including land application or landfill. Payment is on a per ton basis inclusive of all costs associated the disposal of wastewater biosolids from the City of Prescott's wastewater treatment facilities. The contract also includes a surcharge adjustment for fuel based on the Opus five-day average price, Pad 4 for Phoenix.

Agenda Item: Award of a 3-year unit price contract to D&K Farming Enterprises, LLC for hauling and disposal of biosolids from the City's Wastewater Treatment Facilities in an amount not to exceed \$705,375.

Bid Results

Bidder	Bid Alternate 'A' – Land Application	Bid Alternate 'B' – Land Fill
D&K Farming Enterprises, LLC	\$ 46.50 per ton	\$ 52.25 per ton
Waste Management of Arizona	No bid	\$ 57.96 per ton

Following review of the bids and accompanying documents, D&K Farming Enterprises, LLC, has met all of the bid requirements has been determined to be the lowest, responsive, responsible bidder. Written bid confirmation has been received from D&K Farming Enterprises, LLC.

Budget Impacts

Haul Location	Previous Contract Unit Price	This Contract Unit Price	Annual Disposal Quantity	Cost Increase
Land Application	\$29.50 / ton	\$46.50 / ton	3,100 tons	\$52,700
Land Fill	\$48.00 / ton	\$52.25 / ton	1,400 tons	\$5,950
				\$58,650

Budget

FY 12 funding for biosolids disposal under this contract is available in the Sewer Fund. (Budget Account No. 7205855-8433)

Attachments: Location Maps
D&K Farming Enterprises, LLC Proposal

Recommended Action: **MOVE** to award a 3-year contract to D&K Farming Enterprises, LLC, for hauling and disposal of biosolids from the City's Wastewater Treatment Facilities to an approved landfill and/or approved land application site in an amount not to exceed \$705,375.

Proposal

HAULING OF BIOSOLIDS FROM UP TO TWO (2) CITY OF PRESCOTT WASTEWATER TREATMENT FACILITIES TO DESIGNATED DISPOSAL FACILITIES.

TO THE HONORABLE MAYOR AND COUNCIL
CITY OF PRESCOTT
PRESCOTT, ARIZONA

Ladies and Gentlemen:

We the Undersigned having carefully examined the specifications and contract documents, and having carefully examined the site, and having become familiar with local conditions affecting cost of the work and miscellaneous affecting or which may be affected by specified work, does hereby propose to furnish labor, supervision, tools, equipment and materials, among other things necessary to perform and complete in a workmanlike manner the work described in Specifications and Contract Documents for the following unit prices as specified in the following Bid Alternatives A and B:

Company: D+K Farming Enterprises, LLC

Address: 18107 W. Dunlap Rd.

Goodyear, Az 85338

Phone: 602-228-2332

Fax: 623-853-0677

Name: Donny King

Title: owner / manager

Date: 12/20/2011

Signature: Donny King

Bid Alternates – A and B

Bid is for transport and disposal of wastewater biosolids from the City of Prescott Sundog WWTF with an average of 15% solids concentration, and/or from the Airport WRF with an average of 23% solids concentration, in accordance with all Federal, State and Local regulations.

* Bid is based on total handling price per ton from both facilities.

A. \$ 46.50

Price per ton from Sundog WWTF to an approved Land Application site

B. \$ 52.25

Price per ton from Airport WRF and/or Sundog WWTF to the Waste Management Landfill or other Approved Landfill

* Total price per ton is all inclusive of costs associated with the disposal of wastewater biosolids from City of Prescott facilities, including but not limited to permitting, labor, hauling, tipping fees, property leases and processing, etc.

Donny King
Donny King

ROUTES

From the Airport Wastewater Treatment Facility to Gray Wolf Landfill:

Hwy 89A bypass to Hwy 69 to Cherry Rd to landfill

From the Sundog Wastewater Treatment Facility to Hauser Farms:

Hwy 89 to Hwy 89A bypass to Hwy 69 to Cherry Road to Interstate 17 to Hwy 260 to Old Church Road to Hauser Farm.

From Sundog Water Treatment Facility to Arlington Valley Farms:

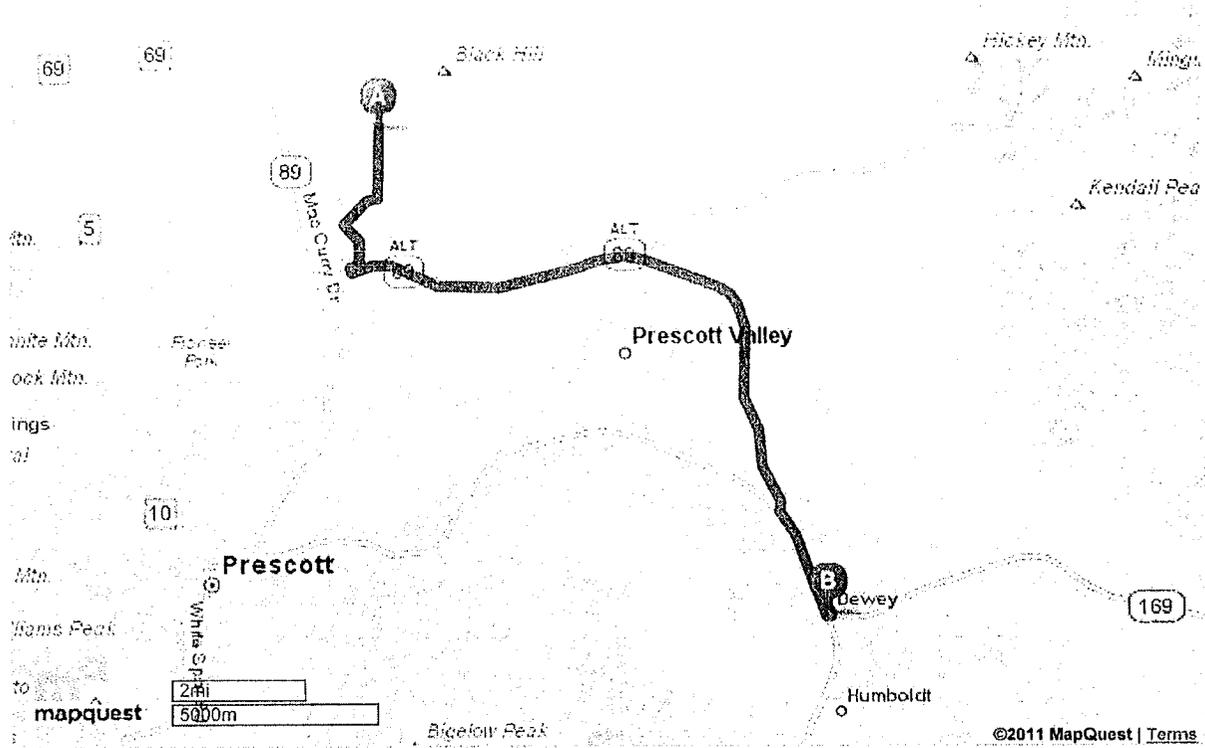
Hwy 89 to Hwy 89A bypass to Hwy 69 to Interstate 17 to Loop 303 to Interstate 10 to Palo Verde Rd to Old US 80 to Arlington School Rd.

Notes

mapquest

Trip to:
Dewey, AZ

Airport facility to Gray Wolf landfill 32 miles



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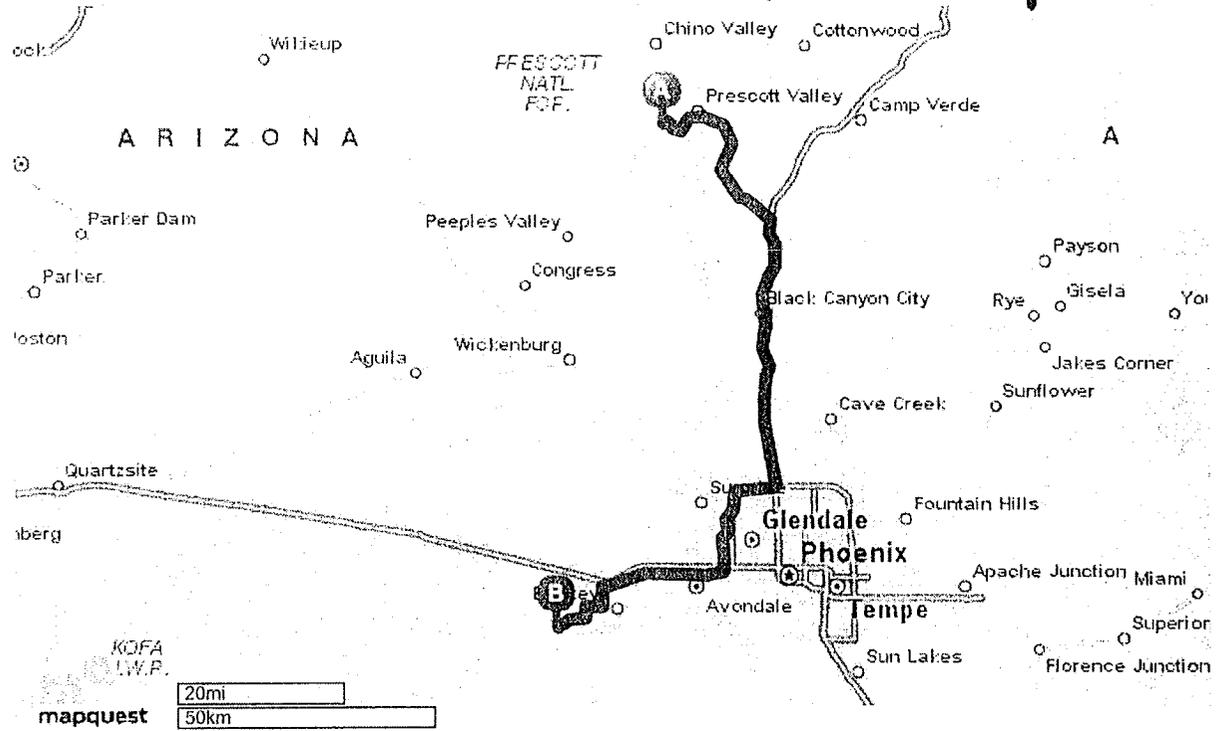
Notes

Trip to:

Arlington, AZ

137.88 miles / 2 hours 25 minutes

Sundog Facility to Arlington Valley Farms



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Notes

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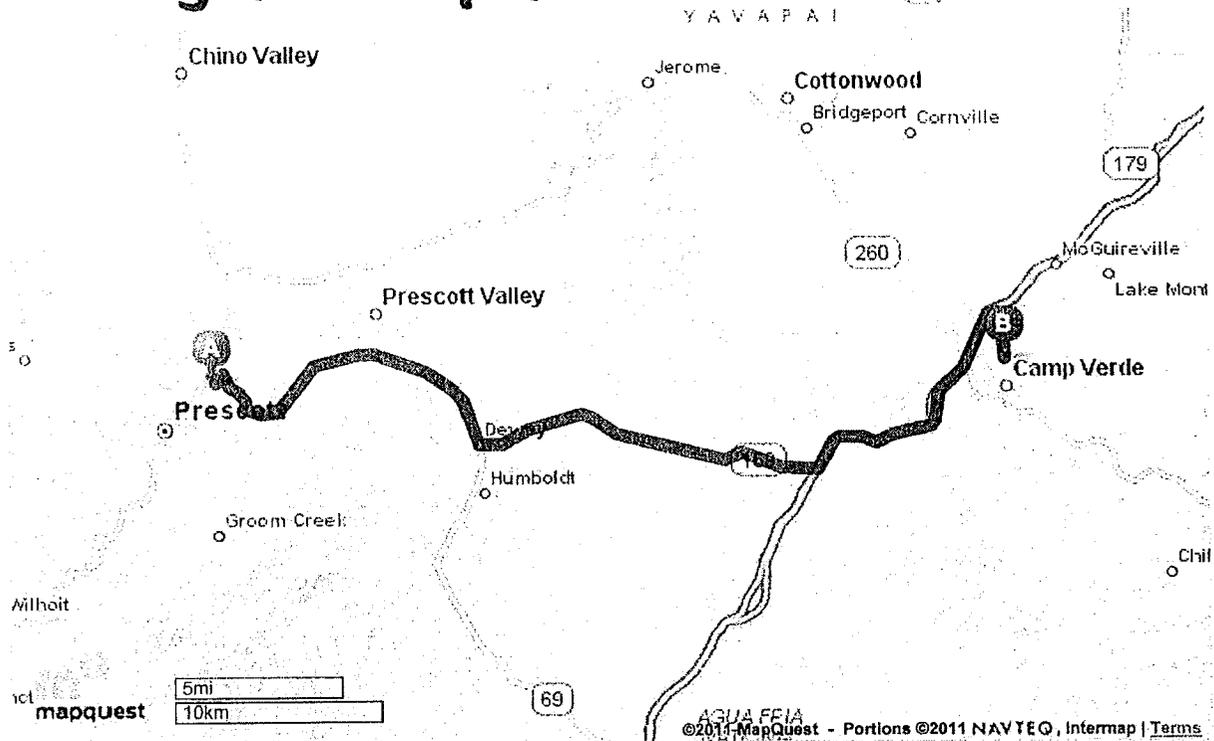
Trip to:

867 N Montezuma Castle Hwy

Camp Verde, AZ 86322

43.87 miles / 52 minutes

Sundog Facility to Hauser Farms



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COUNCIL AGENDA MEMO – January 24, 2012
DEPARTMENT: Legal Department
AGENDA ITEM: Formal acceptance of deed for property commonly referred to as the Beurie property, located near Willow Lake for open space preservation

Approved By:	Date:
Department Head: Gary D. Kidd, City Attorney	
Finance Director: Mark Woodfill	
City Manager: Craig McConnell <i>Craig McConnell</i>	<i>1-19-12</i>

Summary

Council authorized staff to purchase property commonly referred to as the Beurie property in the Willow Lake area for open space purposes. Escrow was established and the necessary conditions to complete the transaction were accomplished on September 30, 2009. As a formality, an ordinance completing the sale and accepting the deed to the real property is needed to comply with our City Charter.

Background

Council by motion agreed to purchase the Willow Lake property and authorized staff to take the necessary steps to complete the purchase of this open space property. As a result, we were able to successfully close escrow and complete the purchase. We obtained an environmental audit and received a warranty deed. Additionally we purchased an extended Alta policy which insures our title and the legal description. Escrow has successfully closed, and the sole remaining step, as required by our City Charter, is to accept the deed to the property.

- Attachments-** 1) Deed to 13.92 acres in Willow Lake,
 2) Ordinance No. 4824-1224

Recommended Action: MOVE to adopt Ordinance No. 4824-1224.

10/28/09
98
45
51
10

mb

at the request of YAVAPAI TITLE AGENCY, INC.

When recorded mail to
CITY OF PRESCOTT
Attn: Gary D. Kidd, City Attorney
201 S. Cortez Street
Prescott, AZ 86302



B-4688 P-194
Page: 1 of 4
SMD 4346427

08013801-CLA

Special Warranty Deed

For the consideration of Ten Dollars, and other valuable considerations, I or we,

John Claude Beurie and Judy Ann Beurie, Trustees of THE BEURIE FAMILY TRUST, dated March 8, 1990

do/does hereby convey to

CITY OF PRESCOTT, an Arizona municipal corporation

the following real property situated in Yavapai County, State of Arizona:

See Exhibit A attached hereto and made a part hereof.

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

And the Grantor hereby binds itself and its successors to warrant and defend the title, against all acts of the Grantor herein, and no other, subject to the matters set forth.

In compliance with ARS 33-404, the names and addresses of the beneficiaries of the herein named trust are:

- John Claude Beurie and Judy Ann Beurie, 3240 N. State Route 89, Prescott, AZ 86301**
- Justin Daniel Beurie, 3232 N. Hwy 89, Prescott, AZ 86301**
- Daniel John Beurie, 1407 E. Slaughterville Dr., Lexington, OK 73051**
- Devon Joelle Beurie, 14701 E. Slaughterville Dr., Lexington, OK 73051**
- Derek J. Beurie, 14701 E. Slaughterville Dr., Lexington, OK 73051**

Dated this September 16, 2009

THE BEURIE FAMILY TRUST, dated March 8, 1990

BY: [Signature] TTEE
John Claude Beurie, Trustee

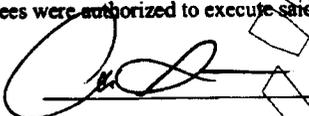
BY: [Signature] TTEE
Judy Ann Beurie, Trustee

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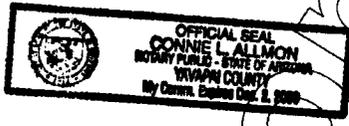


STATE OF Arizona)
)ss
County of Yavapai)

This instrument was willingly acknowledged before me this 26th day of Sept, 2007 by **John Claude Beurie and Judy Ann Beurie** who acknowledged to be the Trustees for **THE BEURIE FAMILY TRUST**, dated March 8, 1990 and as such trustees were authorized to execute said document and thereafter signed their names as trustees.



Notary Public
My commission expires: 12/2/09



Unofficial Copy

Exhibit A

That portion of the Northwest quarter of the Northwest quarter of Section 13, Township 14 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, being a portion of that certain parcel described in Book 2238 of Official Records, page 225 (hereafter referred to as the parent parcel), records of the Yavapai County, Recorder, described as follows:

COMMENCING at a found stone with chiseled "+" marking the Southwest corner of said Section 13;

Thence North 00°20'24" East, along the West line of the Southwest quarter of said Section 13 and the Basis of Bearing, a distance of 2643.69 feet to a found ½-inch square iron pin with tag "LS 22776", accepted as the West quarter corner of said Section 13;

Thence North 00°13'57" East, along the West line of the Northwest quarter of said Section 13, a distance of 1389.18 feet to a set MAG spike with washer "LS 48100" marking the Southwest corner of said parent parcel and the TRUE POINT OF BEGINNING;

Thence North 00°13'57" East, continuing along the West line of the Northwest quarter of said Section 13, being the West line of said parent parcel, a distance of 1239.67 feet to a found 1-inch O.D. iron pipe in granite with set tag "RPLS 48100" accepted as the Northwest corner of said Section 13 and the Northwest corner of said parent parcel;

Thence North 89°51'53" East, along the Northerly line of said parent parcel, a distance of 284.47 feet to a found PK nail in granite with set tag "RPLS 48100" marking an angle point in the Northerly line of said parent parcel;

Thence South 51°28'35" East, along the Northerly line of said parent parcel, a distance of 336.46 feet to a found 1-inch O.D. iron pipe in granite with set tag "RPLS 48100" marking an angle point in the Northerly line of said parent parcel;

Thence South 51°27'28" East, along the Northerly line of said parent parcel, a distance of 94.65 feet to a set MAG nail with washer "LS 48100";

Thence South 15°29'03" West a distance of 1057.98 feet to a found "+" chiseled in granite with set MAG nail and washer "LS 48100", a point on the Southerly line of said parent parcel;

Thence North 82°05'55" West along the Southerly line of said parent parcel, a distance of 347.61 feet to the TRUE POINT OF BEGINNING.

RESERVING unto the grantors, their successors and assigns a well site easement described as follows:

That portion of the Northwest quarter of the Northwest quarter of Section 13, Township 14 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, being a portion of that certain parcel described in Book 2238 of Official Records at Page 225 (hereafter referred to as the parent parcel), records of the Yavapai County Recorder, described as follows:

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Unrecorded



Thence North 00°20'24" East, along the West line of the Southwest quarter of said Section 13 and the Basis of Bearing, a distance of 2643.69 feet to a found 1/2 inch square iron pin with tag "LS 22776", accepted as the West quarter corner of said Section 13;

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Thence South 15°29'03" West a distance of 317.00 feet to the TRUE POINT OF BEGINNING;

Thence South 15°29'03" West a distance of 75.00 feet to a point;

Thence North 74°30'57" West, perpendicular to the last course, a distance of 65.00 feet to a point;

Thence North 15°29'03" East, perpendicular to the last course, a distance of 75.00 feet to a point;

Thence South 74°30'57" East, perpendicular to the last course, a distance of 65.00 feet to the TRUE POINT OF BEGINNING.

Unofficial Copy



1. ASSESSOR'S PARCEL IDENTIFICATION NUMBER(s)
 Primary Parcel: 106-13-0015
 BOOK MAP PARCEL SPLIT LETTER
 Does this sale include any parcels that are being split / divided?
 Check one: Yes No
 How many parcels, other than the Primary Parcel, are included in this sale? _____
 Please list the additional parcels below (no more than four):
 (1) _____ (3) _____
 (2) _____ (4) _____

9. FOR OFFICIAL USE ONLY: Buyer and Seller leave blank
 (a) County of Recording: 13
4698194
 (b) Docket & Page Number:
9-30-2009
 (c) Date of Recording:
4346427
 (d) Fee/Recording Number:
 Validation Codes:
 (e) ASSESSOR _____ (R DOR)
 ASSESSOR'S USE ONLY
 Verify Primary Parcel in Item 1: _____
 Use Code: Full Cash Value: \$

2. SELLER'S NAME AND ADDRESS
John Claude Bourie and Judy Ann Bourie, Trustees
3240 N. State Route 89
Prescott, AZ 86301
 3. (a) BUYER'S NAME AND ADDRESS:
CITY OF PRESCOTT
201 S. Cortez Street
Prescott, AZ 86302
 (b) Are the Buyer and Seller related? Yes _____ No
 If Yes, state relationship: _____

10. TYPE OF DEED OR INSTRUMENT (Check Only One Box):
 a. Warranty Deed d. Contract or Agreement
 b. Special Warranty Deed e. Quit Claim Deed
 c. Joint Tenancy Deed f. Other:
 11. SALE PRICE: \$ 835,200.00
 12. DATE OF SALE (Numeric Digits): 08 / 09
 Month Year
 (For example: 03/15 for March 2005)
 13. DOWN PAYMENT: \$ ZERO

4. ADDRESS OF PROPERTY:
3240 N. State Route 89, Prescott, AZ 86301
 5. MAIL TAX BILL TO:
CITY OF PRESCOTT
201 S. Cortez Street
Prescott, AZ 86302

14. METHOD OF FINANCING:
 a. Cash (100% of Sale Price)
 b. Exchange or Trade
 c. Assumption of existing loans
 d. Seller Loan (Carryback)
 e. New loan(s) from financial institution:
 (1) Conventional
 (2) VA
 (3) FHA
 f. Other financing; Specify: _____

6. PROPERTY TYPE (for Primary Parcel): NOTE: Check Only One Box
 a. Vacant Land f. Commercial or Industrial Use
 b. Single Family Residence g. Agriculture
 c. Condo or Townhouse h. Mobile or Manufactured Home
 d. 2-4 Plex i. Other Use; Specify: _____
 e. Apartment Building

15. PERSONAL PROPERTY (see reverse side for definition):
 (a) Did the Sale Price in Item #11 include Personal Property that impacted the Sale Price by 5% or more? Yes _____ No
 (b) If Yes, provide the dollar amount of the Personal Property:
 \$ _____ 00 AND
 briefly describe the Personal Property: _____

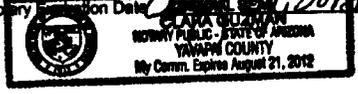
7. RESIDENTIAL BUYER'S USE: If you checked b, c, d or h in item 6 above, please check one of the following:
 To be occupied by owner or "family member." To be rented to someone Other than "family member."
 See reverse side for definition of a "family member."
 8. NUMBER OF UNITS: _____
 For Apartment Properties, Motels, Hotels, Mobile Home Parks, RV Parks, Mini-Storage Properties, etc.

16. PARTIAL INTEREST: If only a partial ownership interest is being sold, Briefly describe the partial interest: _____
 17. PARTY COMPLETING AFFIDAVIT (Name, Address, Phone):
YAVAPAI TITLE AGENCY, INC.
123 N. Montezuma, Prescott, AZ 86301
Phone (928) 445-2528
 18. LEGAL DESCRIPTION (attach copy if necessary)*
See Exhibit A attached hereto and made a part hereof.

THE UNDERSIGNED BEING DULY SWORN, ON OATH, SAYS THAT THE FOREGOING INFORMATION IS A TRUE AND CORRECT STATEMENT OF THE FACTS PERTAINING TO THE TRANSFER OF THE ABOVE DESCRIBED PROPERTY.

Yavapai Title Agency, Inc., an Arizona corporation, as Agent
 Signature of Seller/Agent BY: Connie L. Almon, Escrow Officer
 State of Arizona, County of Yavapai
 Subscribed and sworn to before me this 30 day of Sept, 2009
 Notary Public: Clara Duran
 Notary Commission Date: 08/21/2012

Yavapai Title Agency, Inc., an Arizona corporation, as Agent
 Signature of Buyer/Agent BY: Connie L. Almon, Escrow Officer
 State of Arizona, County of Yavapai
 Subscribed and sworn to before me this 30 day of Sept, 2009
 Notary Public: Clara Duran
 Notary Commission Date: 08/21/2012



DUPLICATE



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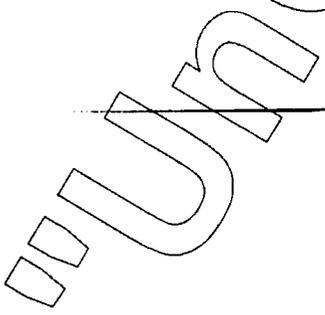
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Thence North 15°29'03" East, perpendicular to the last course, a distance of 75.00 feet to a point;

Thence South 74°30'57" East, perpendicular to the last course, a distance of 65.00 feet to the TRUE POINT OF BEGINNING.

“UnOfficial Copy”

ORDINANCE NO. 4824-1224

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, ACCEPTING TITLE TO REAL PROPERTY KNOWN AS THE BEURIE PROPERTY LOCATED NEAR WILLOW LAKE, AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID PURCHASE

RECITALS:

WHEREAS, on June 23, 2009, the City Council authorized the purchase of approximately 13.92 acres commonly known as the Beurie property located in the Willow Lake area, for open space purposes and whereas the conditions of sale have been examined by staff and determined to be satisfactory and the completion of sale is warranted; and

WHEREAS, the real property is unique in nature; and

WHEREAS, the purchase of the property more particularly described in Exhibit "A" to the Warranty Deed attached thereto have been deemed to be fair and equitable and in the public interest.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

SECTION 1. THAT the City Council hereby accepts the warranty deed to the real property being purchased by the City more particularly identified in Exhibit "A" thereto and commonly referred to as the Willow Lake property, from John and Judy Beurie.

SECTION 2. THAT the Mayor and Staff are hereby authorized and directed to execute any and all documents in order to effectuate recordation, and acceptance of the foregoing described property.

PASSED and ADOPTED by the Mayor and Council of the City of Prescott, Arizona, on this 24th day of January, 2012.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. BURKE, City Clerk

GARY D. KIDD, City Attorney

COUNCIL AGENDA MEMO – January 24, 2012	
DEPARTMENT:	Risk Management
AGENDA ITEM:	Settlement of Linscott Claim

Approved By:	Date:
Department Head: Sheri Swain	
Finance Director: Mark Woodfill	
City Manager: Craig McConnell <i>Craig McConnell</i>	1-18-12

Item Summary

A claim was filed on June 27, 2011, on behalf of Eli Cody Linscott pertaining to a traffic accident involving Linscott and a City officer operating a police vehicle. In accordance with standard procedure, the claim was forwarded to the City's Third Party Claims Administrator, which reviewed and investigated it. The Claims Administrator, Travelers Insurance, has recommended settlement.

Background

The accident occurred on January 4, 2011, on Willis Street where it intersects with Montezuma Street. The officer was on duty at the time. The Notice of Claim was served on the City on June 27, 2011, seeking remuneration in the amount of \$100,000. Travelers Insurance, the City's Third Party Administrator, has negotiated a recommended settlement of this claim, subject to Council authorization, with neither party admitting negligence, and resolving all claims in this matter. Risk Management recommends this settlement.

Recommended Action: MOVE to approve settlement of the Linscott claim in the amount of \$45,000.00.
