

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the City Council of the City of Benson held on the 14th day of February, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Date 3-1-11

City Clerk Vicki Alford

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD FEBRUARY 14, 2011 AT 7:00 P.M.
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

CALL TO ORDER:

Mayor Fenn called the meeting to order at 7:05 p.m. with the pledge of allegiance. Mayor Fenn then introduced Pastor Lupe Diaz of Grace Chapel who offered the invocation.

ROLL CALL:

Present were: Mayor Mark M. Fenn, Vice Mayor John Lodzinski, Councilmembers Jo Deen Boncquet, David Lambert, Nick Maldonado, Lori McGoffin and Al Sacco.

EMPLOYEE RECOGNITION: Mayor Fenn recognized James Barker for 5 years of service with the City.

PROCLAMATION: None.

PUBLIC HEARING: None.

CALL TO THE PUBLIC:

Paul Lotsof addressed the Council concerning the recent cold weather problems and stated since customer sewer rates are based on water consumption during the months of December, January and February, the City should take into consideration the recent water line breaks throughout the City and adjust customers' usage, if possible.

Kevin Dirksen addressed Council regarding the condition of Mr. Hartley's property behind Pearl Street. Mr. Dirksen stated when the City had recent construction work done at the golf course; excess water was diverted to Mr. Hartley's property which has now become an eyesore and a problem. Mr. Dirksen then asked the City to enforce the clean up of this property.

City Clerk Vicki Vivian addressed Council regarding the upcoming 2011 City elections stating the Primary Election is scheduled for March 8, 2011 with the General Election to be held on May 17, 2011. Ms. Vivian then stated City residents wishing to participate in the election process must be registered to vote, adding the deadline for voter registration for the 2011 Primary Election was February 7, 2011 and anyone who is not registered will be unable to vote. Ms. Vivian then stated residents of the City could still register to vote in the General Election with the deadline being April 18, 2011. Ms. Vivian then stated the elections will be held to elect a Mayor and 3 Councilmembers. Ms. Vivian then stated the General Election will be held regardless of the Primary election results to enable registered voters to cast their ballots on the referendum regarding Ordinance 550, the recent annexation of approximately 115 acres located west of State Route 90 and south of Interstate 10. Ms. Vivian stated the issue would be placed on the ballot as Proposition 401. Ms. Vivian then stated the franchise agreement with Sulphur Springs Valley Electric Cooperative approved by Council on January 24, 2011 would also be on the General Election ballot as Proposition 402.

CITY MANAGER REPORT:

City Manager Glenn Nichols then addressed Council, giving the dates of upcoming meetings and events.

February 19, 2011	– Historic Preservation Commission, 9:00 a.m., City Hall
February 22, 2011	– Community Watershed Alliance, 6:30 p.m., City Hall
February 28, 2011	– City Council Meeting, 7:00 p.m., City Hall
February 19 & 26, 2011	– Dallas Memorial Fund Fundraiser, Cochise Terrace
February 21, 2011	– HOLIDAY – City Offices Closed

NEW BUSINESS:

1. Consent Agenda

- 1a. Minutes of the January 24, 2011 Regular Meeting
- 1b. Reappointment of Lawrence Nicholson to the Industrial Development Authority (IDA) of the City of Benson
- 1c. Reappointment of Steven Trowbridge to the Industrial Development Authority (IDA) of the City of Benson
- 1d. Invoices processed for the period from January 19, 2011 through February 7, 2011

Councilmember Lambert moved to approve the Consent Agenda. Seconded by Councilmember McGoffin. Motion passed 7-0.

2. Request of support and sponsorship of the San Pedro River Arts Council for the "Celebrate the Arts" celebration being held March 10-19, 2011

Sylvia Burnside of the San Pedro River Arts Council addressed Council stating they would very much appreciate the support of the City for one of the performances in the upcoming event, "Celebrate the Arts" which they hope will become an annual event. Ms. Burnside then listed a few of the performances including the J.A. Jance Book Discussion and Signing, the Tom Patrick Jazz Sextet, and "Love Letters" performed by Councilmember David Lambert and Patty Lambert. Ms. Burnside then stated she would like to mention one night during the event that is especially dear to her heart adding she is a lover of classical music, is the Daystar Chamber Players from Tucson performing Schubert and Mozart. Ms. Burnside then invited the Council to support the Daystar Chamber Players performance in the amount of \$500.00. Ms. Burnside then stated she would like to remind everyone there are federal budget cuts to all kinds of arts in the United States and the Arts Council in Benson is trying to offer free events to citizens, putting in a great deal of work into the events. Ms. Burnside then stated this event includes many workshops and special music events, adding the Irish Dancers will be dancing at the Benson High School on March 17. Mayor Fenn expressed his appreciation for the Arts Council work. Mayor Fenn then stated the balance remaining in the Arts Council budget is \$246.00 and asked City Manager Glenn Nichols if there were available funds in the community enrichment budget with Mr. Nichols confirming there were. Councilmember McGoffin moved to approve the support and sponsorship of the "Celebrate the Arts" in the amount of \$500.00. Seconded by Vice Mayor Lodzinski. Motion passed 7-0.

3. Contract for the proposed American Crown Circus event on to be held on February 16, 2011, in Benson

City Manager Glenn Nichols addressed Council stating this contract is with the same company the City contracted with last year, adding the last circus was successful and provides some funding to the City to help support the summer recreation programs. Mayor Fenn then asked how the City received any funds with Mr. Nichols stating the City receives a portion of the proceeds from the event. Vice Mayor Lodzinski asked if there had been any problems with the fields after the event with Recreation & Tourism Assistant Laura Parkin stating there were no problems with the fields and the event would be held on the west side of the wash in Lion's park, requiring use of the bridge for the entrance. Councilmember Boncquet moved to approve the contract with American Crown Circus for February 16, 2011. Seconded by Councilmember Sacco. Motion passed 7-0.

4. Discussion and possible action regarding a City sponsored community event to be held in Benson in support of cancer research and treatment

Councilmember McGoffin addressed Council stating she wanted to put on some sort of cancer walk, but in trying to do it on her own, she ran into roadblocks and after talking with several people, thought the City could sponsor a community event to benefit a non-profit entity. Councilmember McGoffin then stated she would like to have a 5k walk for cancer and each year dedicate the event to someone who had been a victim

of cancer, adding the first year she would like to dedicate the event to her mother and sister-in-law and News-Sun Reporter Thelma Grimes' aunt, putting their pictures up at the starting line. Councilmember McGoffin then gave her ideas for the event, including keeping the entry fee reasonable or around \$10.00, giving participants a t-shirt, possibly sponsored with community members, and a colored wrist band for the type of cancer they were walking for, as well as asking the Benson Hospital, the American Cancer Society and others if they would like to participate in the event or set some sort of booth up to educate people on cancer. Councilmember McGoffin then stated she has ideas for the event, but needs help executing the plans. Mayor Fenn asked about possible staff working on the event and when it could be held with Councilmember McGoffin stating she could work with City Manager Glenn Nichols and Recreation & Tourism Assistant Laura Parkin and that she had initially considered holding the event in April, but with it being so close, was now looking around the month of October, adding October is breast cancer awareness month. Mayor Fenn asked if action could be taken on the item with City Attorney Mike Masee stating the item had been framed on the agenda item to allow for discussion and possible action, stating a possible action might be to authorize Councilmember McGoffin to continue discussions with staff and bring back a specific proposal, perhaps as part of the budget, if any staff time and public funds would be involved. Councilmember Sacco then moved to authorize Councilmember McGoffin to continue discussions and plans for a City sponsored community event in support of cancer research and treatment with a specific proposal to be brought back to Council for approval. Seconded by Mayor Fenn. Motion passed 7-0.

5. **Resolution 11-2011 of the Mayor and Council of the City of Benson, Arizona, approving as part of a Major Amendment to the General Development Plan the redesignation of approximately 2240 acres of land from Low Density Residential to Industrial Park and 320 acres from Low Density Residential to Open Space**

City Attorney Mike Masee addressed Council stating this item had been on the previous Council meeting agenda, with a public hearing being held, satisfying the public hearing requirement, and was presented for action. Mr. Masee then stated there were only 5 Councilmembers present at that meeting, so with the consent of the applicant, the item was tabled for the next Council meeting in hopes of having full Council attendance. Mr. Masee then stated as a reminder to those present, this item, by statute, requires a super majority vote, meaning there must be 5 affirmative votes, even if less than a full membership of the Council is present. Mayor Fenn asked if Mr. Ernie Graves or Mr. Jim Lynch would like to address the Council or the public about their request. Mr. Ernie Graves, Whetstone Partners, the owner of the property, addressed Council stating several years ago, he had a group sent to them from Phoenix Economic Development regarding a data center, but part of the reason they wouldn't enter into a contract, was the electricity need. Mr. Graves then stated since then, he has had groups from out of the State and out of the country talk to them about the potential for solar facilities on Whetstone Ranch. Mr. Graves then stated Sulphur Springs had built a transmission line along the east boundary of their property, so Whetstone Partners has requested this amendment as the first step in the process, with the second step being to request rezoning to change the use to allow for solar fields and power generation and substations. Mr. Graves then stated different people they have talked to have different types of technology they would use, but Whetstone Partners would require the restriction of water use. Mr. Graves then stated after the first and second steps with the City, they would look toward a contract and submittal of plans and move into a building mode in the next 3 to 6 months, adding the general development plan amendment was to take one of the steps off the table and take some of the questions out of the process to dispose of some of the risk and see if the City was receptive to that application. Mayor Fenn then stated, to remind Council, this item came to the Council with the recommendation of the Planning & Zoning Commission. Mayor Fenn then stated he was in favor of the proposed possible use of the land, which would require a change in the designation from the General Development Plan. Mayor Fenn asked if there were any other thoughts or comments. Councilmember Sacco asked when the rezoning would take place with Mr. Graves stating the application would be submitted immediately after the amendment to the General Development Plan took effect, if approved. Councilmember Sacco then asked if the rezoning request would be for heavy, medium or light industry, with Mr. Graves stating he didn't know what designation a solar field would take, and he doesn't have a clear understanding of what a data center might use, but they want to be able to put a data center on the same property, so he would be talking to City staff to find out the zoning designation and would submit the application accordingly. Mr. Graves then added he has 160 acre block at the north portion of the property and has submitted the property to some developers of data centers to see if a data

center could be brought back, adding it would use a lot of the power the solar field would be able to generate. Mr. Graves then stated they are also looking at a site along SR90 for a commercial zone, but would clarify that before the zoning application is submitted. Councilmember Lambert moved to approve Resolution 11-2011. Seconded by Councilmember Boncquet. Motion passed 7-0.

6. **Resolution 12-2011 of the Mayor and Council of the City of Benson, Arizona, appointing Election Officials for the Primary Election to be held on March 8, 2011 and the General Election to be held on May 17, 2011**

City Clerk Vicki Vivian addressed Council stating in the past the Intergovernmental Agreement (IGA) the City signed with the County to administer elections allowed the use of previous election boards, but with the current IGA, one of the language changes stated the local governing body will appoint the election boards. Ms. Vivian then stated Resolution 12-2011 is the documentation required for the Council to do so. Councilmember Sacco asked how the board is chosen, with Ms. Vivian stating the board members had volunteered at least once and were solicited after that. Ms. Vivian then stated there had been times the board members had referred people who would like to work the election, and the City was always happy to take names for anyone who would like to volunteer. Mayor Fenn then stated he had seen many of the election board serving over the years and appreciates their service. Mayor Fenn then read the names of the election board; Inspector Mildred Lewis-Taticek, Marshall Frank Taticek, Judge Zona Busselle, Judge Valerie Padia, Clerk Virginia Padia and Clerk Nora Hady. Councilmember McGoffin also expressed her appreciation for their service. Councilmember Sacco moved to approve Resolution 12-2011. Seconded by Vice Mayor Lodzinski. Motion passed 7-0.

DEPARTMENT REPORTS: None

ADJOURNMENT:

Councilmember McGoffin moved to adjourn at 7:37 p.m. Seconded by Vice Mayor Lodzinski. Motion passed 7-0.



Mark M. Fenn, Mayor

ATTEST:



Vicki L. Vivian, CMC, City Clerk