

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD NOVEMBER 10, 2008 AT 7:00 P.M.  
AT CITY HALL, 120 W. 6<sup>TH</sup> STREET, BENSON, ARIZONA**

**MAYOR FENN  
OPENED THE MEETING AT 7:00 P.M WITH  
THE PLEDGE OF ALLEGIANCE.**

**PRESENT WERE: MAYOR FENN, VICE MAYOR KING (via telephone)  
COUNCILMEMBERS BONCQUET, LAMBERT, LODZINSKI, McGOFFIN, and SACCO**

**INVOCATION:**

Mayor Fenn introduced Pastor Lupe Diaz who gave the invocation.

**PUBLIC HEARING:**

The Mayor and Council held a public hearing to receive comments and questions from the public regarding the Home Rule Option (Alternative Expenditure Limitation). Mayor Fenn opened the public hearing at 7:03 p.m. stating this was the first public hearing regarding the Home Rule Option and that Council would hold a special meeting on November 17, 2008 with a second public hearing and Council action regarding the Home Rule Option. Interim City Manager Glenn Nichols addressed Council stating the Home Rule Election requires a yes or no vote on whether the City's annual limit on expenditures should be set according to the State of Arizona Annual Expenditure Limitation formula for the City of Benson, or if the limitation should be set annually by City Council as the total of its approved budget. Mr. Nichols gave a brief background of the Home Rule Option stating that the City of Benson voters have approved Home Rule in elections held in 1985, 1989, 1993, 1997, 2001 and 2005. Mr. Nichols then stated the State imposed Expenditure Limit for the Fiscal Year 2008-2009 would have been \$9,636,350 with the City's actual Expenditure Limit under Home Rule being \$18,666,361, the total of the City Council Approved Budget for Fiscal Year 2008-2009.

Mayor Fenn then stated no one from the audience had requested to speak and asked if anyone present wished to address Council at this time.

Mr. John Whiteside addressed Council stating the best thing the citizen's could do was to pass the Home Rule Option and that he was in favor of maintaining the Home Rule Option. Mayor Fenn then verified with City Clerk Vicki Vivian that this item would be on the election in March, 2009.

**EMPLOYEE  
RECOGNITION:**

Mayor Fenn recognized George Haro for five years of service completed with the City.

**CALL TO THE PUBLIC:**

Charles Kircher addressed Council stating he was a partner in the H&R Block office located in the Safeway Shopping Center and that he and his partner had multiple concerns about being able to continue operating his business there. Mr. Kircher stated many clients still believe the building is condemned and that he has great concerns for the safety of his employees and clientele. Mr. Kircher stated they would like to appeal to the City Council to do something to help the business owners resolve the situation.

Kevin Rasch of the Arizona Rangers addressed Council stating the Arizona Rangers will be sponsoring a cowboy style event to be held at the Arena Bar in February, 2009. Mr. Rasch stated he was seeking the City Council's support and asked for assistance from the City's Tourism Department. Mr. Rasch stated the event would be good for the community and more information will be forthcoming.

Vicki Vivian, City Clerk of the City of Benson addressed Council concerning the upcoming City elections. Ms. Vivian stated the Primary Election will be held on March 10, 2009 with the General Election, if needed, to be held on May 19, 2009. Ms. Vivian then stated candidates seeking municipal office could obtain the materials which must be filed in order for their names to appear on the Primary Election ballot, in the administration office beginning November 10, 2008 with the deadline to file the necessary materials being December 10, 2008 at 5:00 p.m. Ms. Vivian then stated the voter registration deadline for the Primary Election is February 9, 2009 and for the General Election is April 20, 2009.

Paul Lotsof, Station Manager of CAVE FM, addressed Council concerning media matters stating he had attempted to place political advertisements in the local newspaper, but was told that no political ads from third parties were permitted. Mr. Lotsof then stated in the recent newspaper, an advertisement for a presidential candidate was purchased by local residents. Mr. Lotsof then stated it appeared there was a double standard applied. Mr. Lotsof then stated the recent recall election prompted him to do some research and that he sent out a questionnaire and found that about 80% of those he questioned never attended Council meetings, with about 20% reporting they rarely attend Council meetings. Mr. Lotsof stated 80% of the respondents read the newspaper either every week or most weeks and that when the public relies on the newspaper that does not print viewpoints that it disagrees with, it creates a serious problem. Mr. Lotsof then addressed Council concerning political signs stating they typically do not contain much information, are very expensive, are easily stolen and that littering the town with political signs does not enhance the community's attractiveness. Mr. Lotsof then suggested tabling item number 2, Ordinance 529, and gathering comments from the citizens of Benson before addressing the matter.

#### **CONSENT AGENDA:**

- 1a. Approval of Minutes of the October 13, 2008 Work Session
- 1b. Approval of Minutes of the October 13, 2008 Regular Meeting, including Executive Session Minutes
- 1c. Appointment of Barbara English Hay to the Benson Arts Commission
- 1d. The Benson Arts Commission's "My Favorite Things" Children's Art Show held from December 13 – 14, 2008 at 288 E. 4<sup>th</sup> Street, Benson, Arizona
- 1e. Customer Support Agreement with Empire Power Systems for maintenance of the generator at the Wastewater Treatment Plant
- 1f. Advertising Agreement between the City of Benson and Arizona Range News/San Pedro Valley News-Sun
- 1g. Processed Invoices for October 4, 2008 through October 17, 2008
- 1h. Processed Invoices for October 18, 2008 through October 31, 2008

Councilmember Lodzinski moved to approve the Consent Agenda with the amendment in the October 13, 2008 to reflect Councilmember Lodzinski voting "absent" on item number 5, the Independent Contractor's Agreement with Stantec Consulting, Inc. Seconded by Councilmember McGoffin. Motion passed 6-0 with Mayor Fenn abstaining.

**NEW BUSINESS:**

**1. Annual Audit Approval for the City of Benson Fiscal Year 2007-2008**

Mayor Fenn introduced Jim Usevitch of Colby & Co. who then addressed Council concerning the annual audit for the City of Benson Fiscal Year 2007-2008. Mr. Usevitch stated his firm's responsibility is to express an opinion on the audit and that some of the main objectives of an audit are to make sure no fraud or abuse occurs. Mr. Usevitch stated an unqualified opinion is the best a City can receive and the City of Benson has received an unqualified opinion, as we have in recent years. Mr. Usevitch stated an unqualified opinion takes a lot of work and congratulated the City on receiving the unqualified opinion. Mr. Usevitch then stated the audit was a pleasure this year, with the staff and records well prepared. Mr. Usevitch then stated one goal for a City should be to improve its financial situation each year and that the City of Benson did that and was in a good financial position.

Mayor Fenn then asked Mr. Jim Cox, Finance Director about the current fiscal year. Mr. Cox stated he did not expect the 2008-2009 fiscal year to be as robust as the 2007-2008 fiscal year, however, he did not see any evidence of a significant downturn in the City. Mr. Cox stated the City has continued to maintain healthy cash balances and has, proactively, put a halt to all non-essential capital spending projects, until we are well into the 2009 calendar year.

**2. Ordinance 529 of the Mayor and City Council of the City of Benson, Arizona, amending Paragraph (G) of the Subsection Entitled "Exemptions and Special Use," of Section Fifteen of the Benson Zoning Regulations and Superseding Ordinance No. 507 (to amend the time allowed to display political signs)**

City Attorney Christopher Wencker addressed Council stating this proposed ordinance was brought before Council after recent comments from the public regarding the placement of political signs, the time allowed to display them and the early ballot process. City Clerk Vicki Vivian stated Ordinance 529 was written to align the City's regulations with the State regulations. Councilmember Boncquet moved to approve Ordinance 529. Seconded by Councilmember McGoffin. Motion passed 7-0.

**3. Resolution 59-2008 of the Mayor and Council of the City of Benson, Arizona, recommending approval of the Issuance of a Series 12 (Restaurant) Liquor License at Gracie's Station**

Councilmember McGoffin moved to approve Resolution 59-2008. Seconded by Councilmember Lambert. Motion passed 7-0.

**4. Discussion and possible direction to staff regarding the creation of an approved plant list for commercial and subdivision use**

Interim City Manager Glenn Nichols addressed Council stating the Planning & Zoning Commission had brought information forward from the state about an approved drought tolerant plant list used for commercial and subdivision use. Mr. Nichols stated the Planning & Zoning Commission is requesting this list, with the exception of the high allergen category "A" plants, to be put into our City Code as a recommended plant list for developers and builders. Mr. Nichols stated that currently, Tucson is the only community in the state that has adopted this list as a mandatory requirement. Mr. Nichols then stated at this time, policing this policy would be difficult, therefore, it has been suggested to adopt the list as a recommendation with a possibility of it being mandatory at some point in the future. Mayor Fenn stated it may be helpful to include some pictures of plants to show the variety of drought tolerant plants, as many people may assume the list would only contain cacti. Council then directed staff to bring this item back to Council for formal action.

**CITY MANAGER REPORT:**

Interim City Manager Glenn Nichols addressed Council with upcoming meetings:

- November 11, 2008 – Arts Commission Meeting, 9:00 a.m., City Hall
  - HOLIDAY – City Offices Closed
- November 15, 2008 – Historic Preservation Commission Meeting, 9:00 a.m., City Hall
- November 17, 2008 – City Council Meeting, 7:00 p.m., City Hall
- November 24, 2008 – City Council Meeting, 7:00 p.m., City Hall
- November 27, 2008 – Thanksgiving – HOLIDAY – City Offices Closed
- November 28, 2008 – Thanksgiving – HOLIDAY – City Offices Closed

Mr. Nichols then addressed Council with additional information on events in the community, stating the Recreation Department put on a very successful Halloween activity at City Hall from 4:00 to 6:00 p.m. on October 31, with over 70 participants. Mr. Nichols stated from November 1 through November 21, 2008, the Chamber of Commerce and the City were combining their efforts to gather food for the local food banks. Mr. Nichols then stated the Thunder Mountain Hogs motorcycle group held a fundraising event and raised funds for the San Pedro Valley Humane Society and the City’s animal shelter. Mr. Nichols also stated the City would be holding the annual Alzheimer’s candlelight vigil on November 13 and would be highlighting Lou Gehrig’s disease (ALS) as well. Mr. Nichols then stated on November 22, the Fire Department would assist the Benson Junior Women’s Club collect “Toys for Tots”.

**COUNCIL DIRECTIVES:**

None.

**DEPARTMENT REPORTS:**

None.

**ADJOURNMENT:**

Councilmember McGoffin moved to adjourn at 8:39 p.m. Seconded by Councilmember Sacco. Motion passed 7-0.

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Mark M. Fenn, Mayor

ATTEST:

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Vicki L. Vivian, City Clerk