

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD SEPTEMBER 27, 2010 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 7:00 p.m. with the pledge of allegiance. Mayor Fenn then introduced Steve Medeiros of the First Baptist Church who gave the invocation.

**ROLL CALL:**

Present were: Mayor Mark M. Fenn, Vice Mayor Toney D. King, Sr., Councilmembers Jo Deen Boncquet, David Lambert, John Lodzinski, Lori McGoffin and Al Sacco.

**EMPLOYEE RECOGNITION:** None

**PROCLAMATION:** None

**PUBLIC HEARING:**

The Mayor opened the Public Hearing to receive comments from the public regarding a proposed annexation into the City of Benson of approximately 115 acres located west of State Route 90 and south of Interstate 10, Assessor's Tax Parcels 124-01-0-010F, 124-01-010D and 124-01-010G.

Mr. John Whiteside spoke; his comments are incorporated into the minutes.

Mayor Fenn closed the public hearing at 7:04p.m.

**CALL TO THE PUBLIC:**

Stephen Insalaco spoke regarding the Strategic Plan. Mr. Insalaco stated that he had performed a high level review of the plan and thinks it is very good. Mr. Insalaco stated a lot of the municipal assets and resources have been identified and he also approved of the mission statement and of the goals. Mr. Insalaco stated he did notice there was not a vision for how to execute the plan and no indication of who was going to be responsible for executing the various pieces of the plan. Mr. Insalaco stated he was hoping those things would come forward. Mr. Insalaco stated he was most interested in the airport and felt there are two parts to the airport, yet only one part was addressed in the plan which was the industrial/commercial zone. Mr. Insalaco stated the commercial zone has plans for the land side of the airport; however, he believes that the air side is needed to draw business into the airport. Mr. Insalaco would like to see the goal set for the airport facility to eventually pay for itself. Mayor Fenn thanked Mr. Insalaco for his comments.

**CITY MANAGER REPORT:**

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

October 5, 2010 – Planning & Zoning Meeting, 7:00 p.m., City Hall – Cancelled  
October 11, 2010 – Public Hearing on Benson's Tax Code, 7:00 p.m., City Hall  
City Council Meeting, 7:00 p.m., City Hall  
October 12, 2010 – Library Advisory Board, 4:00 p.m., Library  
October 16, 2010 – Historic Preservation Commission, 9:30 a.m., City Hall  
October 25, 2010 – City Council Meeting, 7:00 p.m., City Hall  
October 26, 2010 – Community Watershed Alliance, 6:30 p.m., City Hall

- October 8, 2010 – Movie in the Park, “Spirit of the Cimmaron,” Sponsored by Cox Communications, movie starts at 6:30 p.m.
- October 9, 2010
- October 10, 2010 – Benson Butterfield Stage Days is being held at Lions Park. The Pony Express Office opens at Lions Park at 9:00 a.m. The Parade begins at 10:00 a.m. Go to [www.bensonchamberaz.com](http://www.bensonchamberaz.com) for more details.
- October 9, 2010 – Butterfield Rodeo starts at 3:00 p.m. with Kids Rodeo. The Regular Performance starts at 5:00 p.m. at the Arena Bar.

Mr. Nichols announced a Candidate Forum for the JP3 Candidates on Monday, October 4, 2010 at 6:30 p.m. at the Council Chambers at City Hall.

## **NEW BUSINESS:**

### **1. Consent Agenda**

- 1a. Minutes of the September 13, 2010 Regular Meeting including Executive Session
- 1b. Reappointment of Phyllis Little to the Historic Preservation Commission
- 1c. Invoices processed for the period from September 7, 2010 through September 20, 2010

Councilmember Lodzinski moved to approve the Consent Agenda. Seconded by Councilmember McGoffin. Motion passed 6-0 with Vice Mayor King abstaining.

### **2. Ordinance 548 of the Mayor and Council of the City of Benson, Arizona, amending the Benson City Code, Chapter 2, “Mayor and Council,” Article 2 “Mayor and Vice Mayor,”, Section 2-2-4 “Failure to Sign Documents”**

City Manager Glenn Nichols explained that this item has been presented to Council to clarify when the Vice Mayor has the authority to execute City documents such as resolutions, ordinances and contracts, adding if the Mayor refuses or fails to sign any ordinance, resolution, contract, warrant, demand or any other document or instrument requiring a signature for 2 consecutive business days, the Vice Mayor shall have the same authority as the Mayor. Mayor Fenn asked if he had understood correctly when he spoke with City Clerk Vicki Vivian that the documents would be effective if passed with a majority vote, even without the document being signed. City Attorney Michael Masee stated that is correct; however, most of the time the agencies that are dealt with require that the document be signed instead of presenting minutes for proof of approval.

Councilmember Lambert moved to approve Ordinance 548. Seconded by Vice Mayor King. Motion passed 7-0.

### **3. Ordinance 549 of the Mayor and Council of the City of Benson, Arizona amending Section Twenty-One of the City of Benson Zoning Regulation to allow for a minority of the Board of Adjustment membership to be Non-Residents of the City and for the Chairperson to administer oaths and take evidence**

City Manager Glenn Nichols stated on June 28, 2010 Public Works Director and City Engineer Brad Hamilton addressed the Council about the fact that the City was having a hard time getting members for some of the boards, commissions and committees. Mr. Nichols stated that Mr. Hamilton requested from the Council that as long as the majority of the members were residents of the City, a minority could be from outside the City limits. Vice Mayor King stated he thinks this is the right thing to do as the things the City does affects the communities around us. Mayor Fenn asked if all boards and commissions are in line now with this policy, with Mr. Nichols stating we are in the process and each board will be brought to Council separately for approval. Councilmember Lodzinski stated about a year ago the City had an employee that was dismissed and it was to go before a committee for review and wanted to know if that committee needed to be made up of all City residents. Mr. Masee stated the committee was reviewed along with the updating

of the Employee Handbook and there were no residency requirements. Councilmember McGoffin asked who would swear in the Chairman if the Chairman was a new member. Mr. Masee clarified that the swearing in of witnesses and taking of evidence at hearings is somewhat of a formal process and added that the Statute in Title 9, in relation to boards of adjustment, states the Chairman shall be the one to administer the oath and take evidence and since the City's current code was lacking that information, he thought it would be a good idea to make this ordinance as complete as possible. Councilmember Sacco asked what Statute Mr. Masee was referring with Mr. Masee replying it was 9-462.06.

Councilmember McGoffin moved to approve Ordinance 549. Seconded by Councilmember Boncquet. Motion passed 7-0.

4. **Review of City Finances with emphasis on July 2010, financial results, the City's financial position at July 31, 2010 and discussion of sales tax revenues projected future net revenues**

Finance Director Jim Cox stated July was boring, which was good because in financial terms that meant no surprises. Mr. Cox then addressed citywide financial highlights, stating cash is down \$136,000 from the end of June to a total of \$2.8 million in unrestricted cash. Mr. Cox stated it should be kept in mind that due to the bond issue in July, the restricted cash had increased by \$2.4 million providing the City a little padding. Mr. Cox then stated the City's fund balances, as expected overall citywide, decreased by \$92,000 and that the City will see this for the next 2 to 3 months before trending back up again. Mr. Cox explained trends are a carbon copy of last year, in each case getting slightly better. Mr. Cox stated that citywide financial revenues are down \$14,000 in July compared to July of last year which basically stayed the same, and fund balances show the same thing. Mr. Cox stated that personnel costs are down by \$39,000 in July of this year compared to July of last year due to timing differences. Mr. Cox explained that overall, other operating costs are down \$1,000 compared to last year and one big plus for this year is not having the \$330,000 payment to Zion's Bank. Mayor Fenn asked if the Zion's Loan was paid off. Mr. Cox stated the Zion's loan and the wastewater treatment plant loan were paid off with bond funding. Mr. Cox then stated capital expenditures are \$44,000 higher than last year due to the replacement of the motor on the Jennella well, adding the parts cost about \$46,000, installation will cost about \$20,000 and the motor will be installed next month. Mr. Cox went on to say the General Fund revenues are up \$13,000 for July and expenditures are down \$37,000 plus or minus \$16,000 due to timing, which results in everything being the same as last year. Mr. Cox then reported that the fund balance is a minus \$80,000 in July; a little better than last year, but still not an appreciable difference. Mr. Cox then addressed the enterprise funds stating the Gas Fund is down \$28,000 for July due to low usage during the summer, adding it is comparable to last year. Mr. Cox then stated the Water Fund is up \$1,000 in July in spite of spending \$46,000 for the Jennella Well, which is pretty encouraging. Mr. Cox stated that the Wastewater Fund is down \$5,000 for July and is to be expected. Mr. Cox stated the overall summary is more of the same with the City having 10 consecutive months of very modest revenue growth in the sales tax area, but noted it should be kept in mind that the growth in revenue is being offset by a larger decrease in funding from state shared revenues. Mr. Cox then stated as a result of the bond issue, our City's balance sheet this month is much stronger than what will show at yearend and next year should look really good. Mr. Cox stated again that restricted cash reserves have increased by \$2.4 million and the bottom line is that the City is looking at 2 sides of the ledger at all times, adding the \$2.4 million in restricted cash means there is additional protection for the City's needs. Mr. Cox then stated on the expenditure side, we continue to do what we always do; only a stronger economy will help at this point in time. Mr. Cox explained that sales tax in 2007-08 was clearly above the past 2 years but the good news is that over the past 10 months each month has improved. Mr. Cox stated the General Fund sales tax collections look a little smoother year to year; however construction sales tax is disappointing and is continuing that trend below the \$30,000 mark consistently. Mr. Cox explained that in the graphs the bed tax looks down but was due to an adjustment due to an error made in reporting by a taxpayer. Mr. Cox then stated City sales tax collections were very good in 2007-08 and have been climbing out of the recession very consistently; however the State sales tax is very disappointing. Mayor Fenn stated the State sales tax collection graph was disappointing and in comparing the City's best year of 2007-08 to our current year, it appeared to be a difference of about \$15,000 month to month. Mr. Cox advised the Council that the shape of the graph was more important than the numbers, since the City's

share of the tax collections don't represent the entire State tax collections. Mr. Cox then stated in looking at the total State sales tax collections, we're looking at million of dollars, indicating the State collections are very disappointing. Vice Mayor King stated one good thing is local residents have been shopping in Benson. Mr. Cox agreed and stated the Live in Benson, Shop in Benson campaign needs to be continued.

5. **Review of the City of Benson Strategic Plan and Departments Head's goals, both short-term and long-term, as requested by Council to update the City of Benson's Strategic Plan adopted by Mayor and Council on June 12, 2006**

City Manager Glenn Nichols stated in March of 2010, the Strategic Plan along with the Department Head's goals were presented to Council for review and possible direction to implement the Strategic Plan changes that were discussed at the Council retreats. Mr. Nichols noted the Department Head's goals will be presented to Council annually in March, prior to the budget. Mr. Nichols then noted a lot of goals shown in each Department Head report have been completed or are in process and some are not moving forward due to lack of funding. Mayor Fenn stated he reviewed the reports and commented some reports were presented with bullets and others had narratives and he would like to see consistency in the way the reports are presented, noting it would be helpful to have the same format for all the reports. Mayor Fenn then stated he would also like to see notes made as to what is completed and what is on hold or will be removed due to funding. Mr. Nichols stated the reports were turned in back in March and all of these things have been in process since that time. Mr. Nichols then stated the reports were brought back to see if Council wanted to include them in the Strategic Plan or keep them separate adding some of the details are already in the Strategic Plan and other goals and accomplishments are what Department Heads thought were important to move forward. Mayor Fenn stated the goals could be noted with some type of annotation, indicating it is already in the Strategic Plan or is a department initiative or some other way instead of just comparing each goal in the reports to the Strategic Plan. Mr. Nichols stated this could be addressed at another Council retreat to see where the goals are in regards to priority. Vice Mayor King then stated at the next retreat, he would like to be able to see the accomplishments and new ideas for the next year. Mayor Fenn then addressed Mr. Insalaco's request stating it is up to the Council to execute the plan and invited Mr. Insalaco to speak with Mr. Brad Hamilton regarding the airport.

**DEPARTMENT REPORTS:** None

**ADJOURNMENT:**

Councilmember McGoffin moved to adjourn at 7:31p.m. Seconded by Vice Mayor King. Motion passed 7-0.

\_\_\_\_\_  
Mark M. Fenn, Mayor

ATTEST:

\_\_\_\_\_  
Vicki L. Vivian, CMC, City Clerk

## PUBLIC HEARING, SAN PEDRO PARTNERS ANNEXATION

Mr. Mayor, Councilmembers, Ladies and Gentlemen, Good Evening! My name is John L. Whiteside, and I live at 1091 W. Possum Lane.

I was given to understand that I have a copy of the pre-annexation agreement. After rereading my copy which is January 8, 2009. I am convinced that 1 and probably several later agreements have been submitted. Due to personal illness, I was not able to do the proper research. My comments are based on the January, '09 agreement which went to City Council on 12 January, '09.

1. The 20 foot easement shown on the annexation map IS part of the Harlan property, the intent of which is to argue that they are not creating a County Island in violation of Arizona law. Nonetheless, it will, and you are party to violating Arizona law.
2. Section 8: you are agreeing to pay the owner for the well costs, etcetera for Benson to supply water to his property. THERE'S SOMETHING WRONG HERE!
3. Section 9: I trust the words "eminent domain" have been DELETED. IF NOT, DO SO!!!
4. Section 10.3: They are setting you up to pay for roads for ANOTHER DEVELOPER. DELETE!!!
5. Please review my inputs from 12 January '09 meeting; which are also part of Public Record.

Thank you for your time and attention!

John L. Whiteside  
586-9085