

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD FEBRUARY 23, 2009 AT 7:00 P.M.
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

**MAYOR FENN
OPENED THE MEETING AT 7:01 P.M WITH
THE PLEDGE OF ALLEGIANCE.**

**PRESENT WERE: MAYOR FENN, VICE MAYOR KING
COUNCILMEMBERS LAMBERT, LODZINSKI, McGOFFIN and SACCO
ABSENT WAS: COUNCILMEMBER BONCQUET**

INVOCATION:

Mayor Fenn introduced Robbie Robinson from the Church of Christ who gave the invocation.

**EMPLOYEE
RECOGNITION:**

Mayor Fenn recognized Guadalupe Varela for 15 years of service with the City.

CALL TO THE PUBLIC:

Paul Lotsf addressed Council stating there appeared to be a problem finding and retaining qualified people who wished to serve on the Economic Development Subcommittee. Mr. Lotsf stated the City should have asked the subcommittee members about their lack of participation instead of removing them. Mr. Lotsf then stated Dianne Tipton had been previously removed and that she would no doubt attend meetings and that she should be reinstated or at the very least, the public should be given a reason for her removal from the subcommittee. Mr. Lotsf then stated if Benson's economic development effort is to succeed, arbitrarily removing qualified people is not an option.

Kathy Suagee addressed Council stating she wanted to inform everyone there is a book out about Benson, she is the author and there is a book signing at the Benson San Pedro Valley Historical Museum. Ms. Suagee then stated she wanted to let the Council know, because it is about Benson and there is a bit of information about former work in the City as well as buildings and people that are long gone. Ms. Suagee then stated she wanted to give a copy to the City as a gift.

CONSENT AGENDA:

- 1a. Approval of Minutes of the February 9, 2009 Worksession
- 1b. Approval of Minutes of the February 9, 2009 Regular Meeting
- 1c. Appointment of the Benson/San Pedro Valley Chamber of Commerce Director Bob Mucci to the Economic Development Subcommittee
- 1d. Resignation of Ernie Graves from the Benson Economic Development Subcommittee
- 1e. Resignation of David Woodall from the Benson Economic Development Subcommittee
- 1f. Processed Invoices for February 3, 2009 through February 16, 2009

Councilmember McGoffin moved to approve the Consent Agenda. Seconded by Councilmember Sacco. Motion passed 5-0 with Vice Mayor King abstaining.

NEW BUSINESS:

1. **Discussion and possible action to appoint a Benson Citizen to the Selection Committee to review the Municipal Legal Services (City Attorney) Proposals – Glenn Nichols, Interim City Manager**

Councilmember McGoffin stated that Nick Maldonado had been a previous Council member and that he had shown interest in being on selection committee. Councilmember McGoffin then stated she liked when citizens got involved, and that it would be a pleasure to have Mr. Maldonado assisting the Council and enabling City government to be more transparent. Mayor Fenn then stated the Council had received two applications to serve on the committee, one from Nick Maldonado and one from Mark Suagee. Councilmember McGoffin then moved to approve Nick Maldonado to serve as the citizen on the selection committee to review the Municipal Legal Services (City Attorney) Proposals. Seconded by Councilmember Lambert. Motion passed 6-0.

2. **Resolution 12-2009 of the Mayor and Council of the City of Benson, Arizona approving and authorizing the application by Benson Volunteer Fire Department for grant funds from the United States Department of Homeland Security, Assistance to Firefighters Grant Program, for a Fire Prevention and Safety Grant - Keith Spangler, Fire Chief**

Fire Chief Keith Spangler addressed Council stating this grant application was for educational props to educate the public on the properties of extinguishers. Chief Spangler stated the City's matching funds requirement would be \$1100.00 with Mr. Cox stating the needed matching amount was in the fire department's budget. Councilmember Sacco moved to approve Resolution 12-2009. Seconded by Councilmember McGoffin. Motion passed 6-0.

3. **Resolution 13-2009 of the Mayor and Council of the City of Benson, Arizona, approving and authorizing the execution of an Intergovernmental Agreement with the United States of America Federal Aviation Administration for the receipt of grant funding for improvements at the Benson Municipal Airport (AIP 3-04-0077-13) – Brad Hamilton, Public Works Director/City Engineer**

Public Works Director Brad Hamilton addressed Council stating this grant application differed from those in the past where state grants were requested for airport design and federal grants were requested for airport construction. Mr. Hamilton stated with the state's lack of available funds, this grant application is requesting federal funds for airport design of a helipad and rehabilitating and resurfacing the runway. Mr. Hamilton stated the required matching funds would be approximately \$3400.00 and if the state matched the grant at a later date, the City would be approving a state grant to receive \$1700.00. Mr. Cox verified the necessary matching funds were in the budget. Vice Mayor King moved to approve Resolution 13-2009. Seconded by Councilmember Lambert. Motion passed 5-0 with Councilmember Lodzinski abstaining.

4. **Resolution 14-2009 of the Mayor and Council of the City of Benson, Arizona, recommending approval of the issuance of a Series 12 (Restaurant) liquor license at Palatianos restaurant – Glenn Nichols, Interim City Manager**

Interim City Manager Glenn Nichols addressed Council stating the City had fulfilled the posting requirements and that no arguments in favor of or against the issuance of the license had been received. Councilmember Lambert moved to approve Resolution 14-2009. Seconded by Councilmember McGoffin. Motion passed 6-0.

EXECUTIVE SESSION: As per A.R.S. § 38-431.03(A)(3), for discussion and consultation with the City Attorney for legal advice concerning the legal implications and impact of the recent Arizona Court of Appeals decision in the case of *Turken v. Gordon*, Case No. 1-CA-CV 08-0310 (Ct. App. 2008), on the City.

Councilmember Lodzinski moved to enter in Executive Session with the City Council, Interim

City Manager, City Attorney, Public Works Director and Deputy City Clerk at 7:18 p.m.
Seconded by Vice Mayor King. Motion passed 6-0.

Council reconvened at 7:35 p.m.

CITY MANAGER REPORT:

Interim City Manager Glenn Nichols addressed Council with upcoming meetings:

- March 2, 2009 – Economic Development Subcommittee, 5:15 p.m., City Hall
- March 3, 2009 – Planning & Zoning, 7:00 p.m., City Hall
- March 9, 2009 – Council Meeting, 7:00 p.m., City Hall
- March 10, 2009 – Arts Commission, 9:00 a.m., City Hall
– Library Board, 4:00 p.m., City Library
- March 21, 2009 – Historic Preservation Commission, 9:00 a.m., City Hall
- March 23, 2009 – Council Meeting, 7:00 p.m., City Hall

Mr. Nichols then gave information on the following events:

- March 6, 2009 – Benson Hospital Health Fair, Fire Department Participation for Car Seat Information and Fire Prevention Education (depending on availability of volunteers) 8:00 a.m. to 1:00 p.m., Benson Hospital
- March 7, 2009 – Arizona Auto Theft Authority Watch Your Car Day, Police Department will be offering brochures and VIN number etching, held at Wal-Mart
- March 17, 2009 – Crown Circus, Lion's Park, 6:00 p.m. and 8:00 p.m.

Mr. Nichols then stated on the fourth Tuesday of each month at 6:30 p.m. the Community Water Alliance meeting is held in the Council chambers and the primary election will be held on March 10, 2009.

COUNCIL DIRECTIVES:

None.

DEPARTMENT REPORTS:

None.

ADJOURNMENT:

Vice Mayor King moved to adjourn at 7:37 p.m. Seconded by Councilmember McGoffin.
Motion passed 6-0.

Mark M. Fenn, Mayor

ATTEST:

Vicki L. Vivian, City Clerk