

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD JULY 12, 2010 AT 7:00 P.M.  
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

**CALL TO ORDER:**

Vice Mayor King called the meeting to order at 7:00 p.m. with the pledge of allegiance.

**ROLL CALL:**

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

**EMPLOYEE RECOGNITION:** Vice Mayor King recognized Molly Ingram for 5 years of service with the City.

**PROCLAMATION:** None

**PUBLIC HEARING:** None

**CALL TO THE PUBLIC:**

Carl Haupt addressed Council regarding the issue of a barking dog and the sleep deprivation it causes him. Mr. Haupt's comments are incorporated into the minutes.

Stephen Insalaco addressed Council concerning the Benson Municipal Airport. Mr. Insalaco's statement is incorporated into the minutes.

**CITY MANAGER REPORT:**

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

- July 13, 2010 – Library Advisory Board, 4:00 p.m., City Library - CANCELLED
- July 17, 2010 – Historic Preservation Commission, 9:00 a.m., City Hall
- July 19, 2010 – Economic Development Subcommittee, 5:15 p.m., City Hall
- July 26, 2010 – City Council, 7:00 p.m., City Hall
- July 27, 2010 – Community Watershed Alliance, 6:30 p.m., City Hall
  
- July – City Pool – The pool is open Monday through Saturday from 11:00 a.m. to 5:00 p.m. and Sunday from 1:00 p.m. to 5:00 p.m., Swim lesson schedule and the pool activity schedule are available at [www.cityofbenison.com](http://www.cityofbenison.com) under “what to do today”
  
- June/July – Summer Recreation Programs – The Recreation Department offers many activities. Information on activities and camps are available at [www.cityofbenison.com](http://www.cityofbenison.com) under “what to do today”

Mr. Nichols then stated the City's 4th of July celebration was very successful and credited the City of Benson's 4th of July Committee Chairman, Laura Parkin and its members. Mr. Nichols then stated there were over 60 entries in the parade, there was a great water fight, activities and vendors in the park and a stupendous fireworks display. Mr. Nichols thanked the committee again, for what they have done for the city.

Vice Mayor King then echoed Mr. Nichols statements and thanked the committee for the wonderful job they did.

**NEW BUSINESS:**

1. **Consent Agenda**

- 1a. Minutes of the June 24, 2010 Special Meeting
- 1b. Minutes of the June 28, 2010 Worksession
- 1c. Minutes of the June 28, 2010 Regular Meeting, Including Executive Session
- 1d. Appointment of Laura Parkin as Chairman of the City of Benson 4th of July Committee for 2011
- 1e. Invoices processed for the period from June 20, 2010 through July 6, 2010

Councilmember Lambert moved to approve the Consent Agenda with the amendment of the date of the Executive Session minutes to reflect June 28, 2010 and the removal of Item 1d. Seconded by Councilmember Boncquet. Motion passed 5-0.

Councilmember Lambert then asked Ms. Laura Parkin to come forward before Council, stating he wanted to recognize the job she did as the Chairman of the 4th of July Committee. Councilmember Lambert echoed the comments made by City Manager Glenn Nichols and wished her well in the planning and execution of the 4th of July celebration in 2011. Vice Mayor King stated he felt the same way, that it was the best celebration he has attended and that it would be challenging for Ms. Parkin to outdo the 2010 celebration.

Councilmember Lambert then moved to appoint Laura Parkin as Chairman of the City of Benson 4th of July Committee. Seconded by Councilmember Boncquet. Motion passed 5-0.

2. **Occupancy and Services Agreement between Catholic Community Services and the City of Benson to assist with meal services to eligible persons residing in and around Benson by providing space at the Benson Community Center, 705 W. Union Street, Benson, Arizona**

Councilmember Lambert asked Ms. Laura Parkin, Recreation Coordinator if there were any problems working with Catholic Community Services (CCS) in the Community Center. Ms. Parkin stated the City and CCS usually work well together in the Center and if any problems arise, they can usually resolve the issue by talking. Councilmember Lambert then stated he wanted to make sure there were no problems and the operation was running smoothly and the City was happy with their services. Councilmember Lambert then moved to approve the Occupancy and Services Agreement between Catholic Community Services and the City of Benson to assist with meal services to eligible persons residing in around Benson by providing space at the Benson Community Center. Seconded by Councilmember Sacco. Motion passed 5-0.

3. **Resolution 47-2010 of the Mayor and Council of the City of Benson, Arizona, approving a Special Event Liquor License for the Benson/San Pedro Valley Chamber of Commerce for October 9, 2010 at Lions Park, on Adams Street, Benson, Arizona**

City Manager Glenn Nichols addressed Council stating the Chamber was seeking a special event liquor license for a wine tasting booth on October 9, 2010. Mr. Nichols then said Arizona Revised Statutes, state the Director of the Arizona Department of Liquor Licenses and Control may issue the license on a temporary basis "subject to the approval of" Council. Mr. Nichols then stated Chamber Director Bob Mucci was present to answer any questions Council may have. Vice Mayor King verified the event will take place during Butterfield Overland Stage Days with Mr. Nichols confirming this. Councilmember Lambert then asked City Attorney Michael Massee if Resolution 47-2010 should be amended to read that the Council "recommends approval" instead of "approves" the license. City Attorney Michael Massee answered that the statute for a regular liquor license requires the local governing body to make a recommendation for approval or disapproval, but that a temporary special event permit requires the local governing body's approval before submitting the application to the Arizona Department of Liquor Licenses and Controls. Councilmember Lambert then verified with Mr. Mucci the event would be held 1 day from 10:00 a.m. to 5:00 p.m. with Mr. Mucci confirming this and stating the purpose of the wine tasting is that people can purchase a glass that will allow them 10 sips of wine and at that point, if they would like to purchase a bottle of wine from a particular vendor, they can. Mr. Mucci then stated there will be 1 entry point that will also serve as the exit point, as well as fencing being placed around the area to prevent anyone else from entering the area. Councilmember Lambert then stated he would like to ask that the Chamber to inform

customers of the wine booth that glass containers were not permitted in the park after they left the booth and asked that they put up a sign that states that glass bottles can't be opened on the premises. Mr. Mucci stated he could do this, noting the wine glass they purchase will have the Butterfield Overland Stage Days logo and can be kept as a souvenir, but that he will let them know once they leave the tasting area, the glasses won't be allowed in the park and should be taken to their vehicle.

Councilmember Lambert then moved to approve Resolution 47-2010. Seconded by Councilmember Lodzinski. Motion passed 5-0.

4. **Ordinance 545 levying upon the assessed valuation of the property within the City of Benson, Arizona, subject to taxation. A certain sum upon each One Hundred Dollars (\$100.00) of valuation, sufficient to raise the amount estimated to be required in the annual budget, less the amount estimated to be received from fines, licenses and other sources of revenue providing a General Fund for the General Municipal Expenses: All for the Fiscal Year ending June 30, 2011**

Finance Director Jim Cox addressed Council stating this item represents the completion of the budgetary process. Mr. Cox then stated Council approved the budget on June 28, 2010 and the final task related to the budget is the approval of the property tax levy, which is adopted annually and can be done no earlier than 14 days following the adoption of the final budget. Mr. Cox then stated by way of background, the property tax is collected as 3.5% of the City's general fund revenues. The final budget for 2010-2011 approved a levy rate of .4577 and budgeted revenues of \$216,000. Mr. Cox then stated this is a slight decrease in the rate from .4645 in the past fiscal year and that for the fourth year in a row, we have actually reduced the property tax levy by a small amount. Councilmember Lambert moved to approve Ordinance 545. Seconded by Councilmember Boncquet. Motion passed 5-0.

5. **Authorization of Psomas Inc. under the City of Benson On-call Engineering Contract to conduct design services for the Ocotillo Avenue water and sewer improvements project in the amount of \$39,510**

Public Works Director Brad Hamilton addressed Council stating this item is part of the CIP projects the City is allowed to move forward on due to the bond proceeds. Mr. Hamilton then stated the City has an on-call contract with Psomas and they have done some preliminary work in the area on subdivisions and in looking at Ocotillo Road and he feels they are the best qualified for this project. Councilmember Lodzinski asked about the size of the water line with Mr. Hamilton stating it would be an 8" line, adding that the water models done at the subdivision show an 8" line would be adequate for fire flow. Councilmember Lodzinski then asked about the size of the wastewater line with Mr. Hamilton stating he believes it will be an 8" line also, but there will be more studying done. Councilmember Lodzinski then expressed concern about having to replace the line in the future due to installing a smaller line. Mr. Hamilton then stated he believes the existing line is 6", but he would have to verify that, adding the problems are not capacity issues, but are the settlement and deterioration of the pipe itself.

Councilmember Sacco asked if the contract contains a fixed price or a price not to exceed, with Mr. Hamilton stating the bid requested a not to exceed price to be stated in the contract and will not change unless the scope of work is changed. Councilmember Sacco then asked if Psomas had given the City a schedule or if Mr. Hamilton had a timeframe, with Mr. Hamilton stating that is usually done after Council approves the contract and he issues a notice to proceed. Councilmember Lodzinski asked if Mr. Hamilton could give an estimated amount of time the project would require, with Mr. Hamilton stating he believes design will take 3 to 6 months, ADEQ approval will take 6 to 8 weeks, but noted it may take longer. Councilmember Sacco asked if Psomas would complete all aspects of the project with Mr. Hamilton stating they will subcontract aerial survey photos, they may subcontract some reproductions and other small tasks.

Councilmember Lodzinski moved to approve the authorization of Psomas Inc. under the City of Benson On-call Engineering Contract to conduct design services for the Ocotillo Avenue water and sewer improvements project in the amount of \$39,510. Seconded by Councilmember Lambert. Motion passed 5-0.

6. **Review of City Finances with emphasis on April and May 2010, financial results, the City's financial position at May 31, 2010, and discussion of projected future net revenues**

Finance Director Jim Cox addressed Council beginning with citywide financial highlights, stating the cash balances are up \$110,000 to \$2.7 million of unrestricted cash, stating that growth has continued through the month of June.

Mr. Cox then stated the citywide fund balances increased by \$116,000 ending May, but were still down \$126,000 year-to-date, adding he believes the citywide fund balances will probably be right at breakeven or slightly negative at year end.

Mr. Cox then addressed citywide financial results, stating City revenues decreased by \$47,000 at the end of May and were down \$903,000 year-to-date, noting the decrease can be separated into categories, with the first category of construction sales tax decreasing \$220,000 and state shared revenues decreasing \$160,000, adding the state shared revenues are a permanent decrease that will continue into the current fiscal year, being an additional decrease of well over \$200,000 in 2010-2011. Mr. Cox stated this was a big challenge the City faced in the General Fund. Mr. Cox then stated the other categories contain most of the revenues, with the grant fund decreasing \$404,000 due to a very large airport grant from the previous fiscal year and the decreased revenues in natural gas, stating since the City sells gas on a markup basis, when the price of natural gas decreases, the gas revenues decrease.

Mr. Cox then addressed the General Fund stating revenues were up \$25,000 ending in May, but were still down \$96,000 year-to-date. Mr. Cox stated the decreases were due to a \$43,000 decrease in permits, which is tied back to construction, a \$124,000 decrease in state shared revenues, which is our share of income tax and sales tax throughout the state, and a decrease of \$64,000 in asset sales due to the sale of the City's excess assets being conducted in the previous year, and due to the economy lower interest rates on our accounts. Mr. Cox then stated some of these decreases are offset by \$150,000 received in grants for the police officers' overtime and salaries.

Mr. Cox then continued with the General Fund stating the personnel expenditures were up \$25,000 year-to-date, but was due to timing and other costs were down \$25,000 year-to-date, again due to timing issues. Mr. Cox then stated the General Fund balance was up \$79,000 in May, but it was still down \$287,000 year-to-date, stating this fund balance will be negative at year end.

Mr. Cox then addressed the enterprise funds, stating there is an accounting problem the Finance Department is working on with the new software vendor. Mr. Cox then stated there are tracking problems between the Gas Fund and the Water Fund revenues, stating the Gas Fund, which is normally profitable this time of year was down \$28,000 year-to-date and while the Water Fund, which is normally breakeven this time of year was up \$152,000. Mr. Cox then stated when they finish their internal audit, he thinks we'll see the Water Fund at slightly positive and the Gas Fund a stronger positive. The Wastewater Fund is where it's expected to be up \$28,000 year-to-date.

Mr. Cox then gave a summary, stating that our year-to-date general fund revenues are slightly higher than budget, but were 2% below last year. Mr. Cox then stated on the bright side, the City has had 7 consecutive months of very modest revenue growth, while the State is still in the negative month-to-month. Mr. Cox then stated our new budget is very similar to the previous year, except the City will have even less revenue from the state and will have the addition of the bond proceeds. Mr. Cox then stated the City's bond issue was successful beyond his hopes primarily due to the fact that the City received a Standard & Poor's bond rating of AA- stable, which is an excellent bond rating. Mr. Cox then stated he had projected the bond proceeds' total interest cost to be between 5.0-5.5% but that it was reduced to 4.69%, well below what he projected. Mr. Cox then stated the average coupon rate on the bonds was 4.14% and the par value issued was \$5.240 million, which allowed the City to pay off the USDA loan for the Wastewater Treatment Plant as well as the Zions Bank loan, leaving well over \$2.4 million for capital projects. Mr. Cox then stated the City's average annual debt service was \$402,000 which is right on track as planned. Mr. Cox then stated the former payment on the USDA loan for \$422,000, noting the City has slightly lowered our annual debt service and were still able to generate \$2.4 million for badly needed infrastructure projects.

Mr. Cox then continued addressing City Tax Collections, including Sales Tax, Construction Tax and Bed Tax collections stating in City sales tax collections, we are slightly above last year at this time and the trend continued in June. Mr. Cox then stated the General Fund sales tax collections again looks just like last year, but slightly better. Mr. Cox then stated construction sales tax collections are down and that bed taxes, probably due to a timing situation, look like it increased significantly over last year in May, but we'll have to wait until we see the results from the next month.

Mr. Cox then compared the City sales tax collections to state tax collections, and said the City is consistently above last year and has been for 7 consecutive months, whereas, the State sales tax collection continue to be less on a year over year basis, which tells us the State budget woes are not over. Mr. Cox then stated the increase in the State sales tax will help state revenues, but there is still a problem and the economy needs to be stimulated in the state.

Vice Mayor King then stated he knew there was one more month in the fiscal year Mr. Cox was reporting on, but that he wanted to thank Mr. Cox and the City staff for tightening their belts again, recognizing the sacrifices they have made. Vice Mayor King then stated he's proud to say the City is in a lot better shape than many other cities. Mr. Cox then thanked Council and stated it was due to all the efforts of Council and to all City staff. Councilmember Lambert then asked why the City sales tax is up, but the State sales tax was down, with Mr. Cox stating his personal opinion was that the City of Benson was more recession proof than the rest of the State, adding that in prior years, the City of Benson was just beginning to boom when the recession hit and therefore, didn't hit us as hard as other cities that were in the middle of a boom. Mr. Cox then stated we've seen a much stronger reaction to the recession than what we've experienced in Benson. Vice Mayor King then added we needed to recognize and thank our community for shopping in Benson. Councilmember Lodzinski then stated another component is that Benson is consistently selling homes, adding four years ago, there were 103 homes sold, with the next year 28 homes were sold. Councilmember Lodzinski then stated in the following 2 years, homes sales are lower, but steady. Mr. Cox then stated the City is seeing positive growing as opposed to most communities that are shrinking now. Vice Mayor King then stated the City of Benson has been blessed and have had no furloughs or layoffs, but that there are a lot of smaller communities in Arizona that have not been as fortunate and thanked the actions of City staff and Council.

**EXECUTIVE SESSION:** As per A.R.S. §38-431.03 (A)(3) & (4), for discussion or consultation for legal advice with the attorney or attorneys of the public body regarding the City's position and to instruct its attorney(s) regarding pending litigation, Stagecoach Trails Mobile Home Court (MHC) vs. the City of Benson, Arizona, et. al.

Councilmember Lambert moved to enter into an Executive Session with the City Council, the City Manager, the City Attorney, the City Clerk, Public Works Director and Fire Chief at 7:49 p.m. Seconded by Councilmember Lodzinski. Motion passed 5-0.

Council reconvened at 8:39 p.m.

**DEPARTMENT REPORTS:** None

**ADJOURNMENT:**

Councilmember Lodzinski moved to adjourn at 8:40 p.m. Seconded by Councilmember Sacco. Motion passed 5-0.

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Mark M. Fenn, Mayor

ATTEST:

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Vicki L. Vivian, CMC, City Clerk

234 La Cuesta Drive  
Benson, Arizona 85602  
July 12, 2010

City of Benson:  
Mayor  
All City Council members  
City Manager,

For well over a year I have endeavored to gain relief from barking dogs in my neighborhood, all to no avail. If anything the problem is even worse. The residents at 237 La Cuesta Drive, directly opposite my bedroom, have permitted their dogs to awaken me one hundred and forty-seven times since January 1<sup>st</sup> this year. This is 76.5% of the days. Last year was equally as bad, if not worse. In April this year Officer Jacques responded to a call to my home after I had endured one and one-half hours of constant barking. This officer heard these dogs for the full time that he was here. After he left they continued to bark for approximately one more hour; the outcome of this complaint? Nothing! In the weeks since there have been a slight increase in the percentage of days that I am awakened.

In my entire life I have never experienced a "headache." On nights that I have loss of rest I will have painful and woozy feelings in my forehead and temples, at times these pains may be severe. With adequate rest these problems are non-existent. A statement from Dr. Andrew Mayberry, my doctor, will be enclosed with this letter.

I am eighty-four years old and this loss of sleep is taking a serious toll on my health. Driving an automobile when I am overly tired has caused me to have some loss of alertness. The results have been three fender benders. Over forty years I have had a spotless driving record until these past six months. Would the City of Benson or my neighbors provide me with transportation when needed?

Benson City Ordinances provide for full relief in Chapter 6, Article 6-1, and Section 6-1-2. It is simply written as follows: *It is unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of day or night.* Because I have endured a prolonged subjection to these dogs, at any time day or night, I am requesting that this ordinance be enforced exactly as written. I accept that each citizen of Benson has the privilege of ownership of dogs (and other pets), but don't they also accept this privilege with the responsibility of not allowing disturbing noises from their animals?

I have made many phone calls and written many letters to inform city employees at all levels, top to bottom, and this problem has only become worse. Many of the letters and calls go without response.

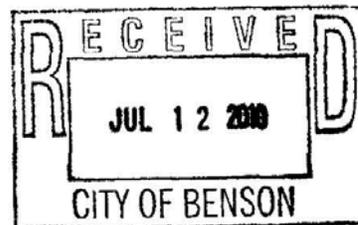
Is it asking too much of city employees to enforce the ordinances of Benson? Are they competent in their positions? Why can I not have relief after over a year with this problem with dogs? I am asking the mayor and the entire city council to listen to a few minutes of a recording of my neighbor's barking dogs. This recording was taken within the walls of my bedroom it is played on a speaker less than the size of my thumb. When each of you have heard enough please raise your hands. Do any of you have any questions? Can I now expect corrective action to this problem?

Thank you for listening to me.

Yours truly,

  
Carl F. Haupt

Attach: Statement from Dr. Andrew Mayberry





J. Carter Mayberry, M.D.  
Andrew W. Mayberry, M.D.  
Ashlyn Dumais, FNP  
Robert Frickey, FNP  
Diana Housley, PA

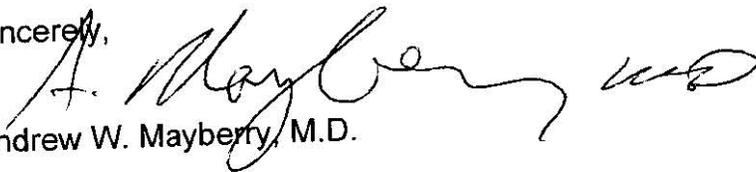
12/24/09

Re: CARL HAUPT DOB: 04/21/26

To Whom It May Concern,

Mr. Haupt has a long-standing sleep disorder. He has had several medical interventions including various medications and surgery, but his sleep disorder persists.

Sincerely,

  
Andrew W. Mayberry, M.D.

**Benson City Council**  
**CALL-TO-PUBLIC ADDRESS**  
**Stephen Insalaco**  
**2010.07.12**

My name is Stephen Insalaco. I reside at 3280 West Pinto Place, J-Six Ranch, and I am a Benson Municipal Airport hangar tenant.

Honorable Mayor, distinguished council members, ladies and gentlemen of Benson city government, and my fellow citizens; I wish to address you this evening concerning the future economic development of the Benson Municipal Airport, as it applies to its eligibility to federal grants under the *Airport Improvement Plan*.

If you will recall, journalist Thomas Frank authored a highly bias newspaper article in **USA Today** on September 17<sup>th</sup> 2009, titled *Feds Keep Little-Used Airports in Business*, in which Frank blasted how the federal government awarded monies from the federal *Airport Improvement Program*, to small general aviation airports across America. In his story, Frank down-played the significant and important role that these airports play to small rural communities, and communities not served by a major commercial airline hub. Frank did this while demonstrating the bias nature of his story by failing to cite a single positive benefit of general aviation or general aviation airports in serving America. Also if you will recall, he preformed this assassination of the *Airport Improvement Program* by taking cheap shots at the community of Benson, by claiming how those federal funds were being poorly utilized at the Benson airport.

You may also recall that I responded to the local community on this matter, in a commentary supplied to the **Benson News-Sun**, titled *Dismayed by USA Today Report on Airports*, in which I tried to set the record straight to the local community, about the bias nature of the **USA Today** newspaper article, and of the positive value of the Benson airport to the local community and region at large.

Unfortunately, Thomas Frank authored several other stories on this same topic, including an article titled *Billions Going to Small Airfields*, and another titled *FAA Low Priorities get 3.5 Billion in Grants*. Each was equally executed with the same level of amplified bias, confusing disinformation to the public, and indifference of the important role of general aviation to small rural communities like Benson.

It should come as no surprise then, following the publishing of these stories at the national level almost a year ago, and under the scrutiny of the public eye, even the opinion of a misinformed public, that the federal government is re-evaluating how it administers federal funds under the *Airport Improvement Program*. In a very recent meeting of the **American Association of Airport Executives General Aviation and Safety Conference**, FAA director of airport safety and standards, Michael O'Donnell, said that his agency will be assembling a committee to examine the means and methods by which it distributes approximately \$4.5 billion in annual airport funding, as part of the federal *Airport Improvement Program*. O'Donnell also said that "We are going to go into a new initiative with GA, to better define its roles, what its functions are, the infrastructure needs, and then review and update their criteria for adding and removing those airports in the National Plan of Integrated Airports and Systems [NPIAS]."

Now while I find it a bit amazing that he should state that they are going to redefine the role of general aviation, which sounds a bit like redefining the role of the Internet, community colleges, or public use department stores, nonetheless the gist of my address before you this evening becomes simply this: Should the economic development of the Benson Municipal Airport remain the status quo, stalled or non-existent, the City of Benson may find itself ineligible for future federal *Airport Improvement Program* grants, on the basis that the community has failed to demonstrate the need for such capital improvement funds, because of lack of existing economic growth and development at this airport. That would surely be a large economic loss to this community, and something that I would like to curtail from happening; not just for my own personal interests, but also on behalf of the local community, and the regional aviation community serviced by this airport.

In consideration of the current economic strife at the federal, state, county, and local levels, combined with the fact that the State of Arizona has recently abolished the Arizona Department of Transportation – Aeronautics Division, and redirected the lion's share of aviation related revenues to non-aviation related state projects, the City of Benson could readily find itself the sole beneficiary, and sole financial supporter of the Benson Municipal Airport; and the idea of having airport capital improvement projects for 2.5-cents on the dollar to support a municipal airport could quickly become a thing of the past.

Therefore, I would like to echo the voices of former councilmember Ted Amox, committee member Clifford Dean, former airport advisory committee members, the many airport business stake holders, and myself, by saying that the community needs more economic development at the airport. We need someone, or some group of aviation enthusiasts, to spearhead developing the economic base of the airport. The city has an excellent *airport master plan* with a well thought out *airport layout plan*, but nobody to lead implementing it. The Director of Public Works, who also wears the airport manager's hat, is well intentioned, but quite frankly he is over-worked and under paid in his current responsibilities. He cannot afford to dedicate the additional time required to implement a strategy to grow the airport's economic base, without being inconsiderate to his primary duties as Public Works Directory. A dedicated airport individual or committee, paid or volunteered, to spearhead bringing a private aviation business onto the airport property is desperately needed.

In closing, I would like to encourage the council to think about, to list as a future agenda item, the establishment of a committee chartered with the responsibility of overseeing the economic growth and development of the airport. We need to think about bringing new business to the airport property, growing the airport's economic base, securing future federal *Airport Improvement Program* grants, balancing the airport budget into the black, and in establishing a return on investment to the community in having an airport.

Thank you for your time.

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