

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD JANUARY 25, 2016 AT 7:00 P.M.  
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

**CALL TO ORDER:**

Mayor King called the meeting to order at 7:03 p.m. with the Pledge of Allegiance. Mayor King then introduced Pastor Blair from the First Baptist who offered the invocation.

**ROLL CALL:**

Present were: Mayor Toney D. King, Sr., Vice Mayor Lori McGoffin, Councilmembers Pat Boyle, Jeff Cook, Joe Konrad and David Lambert. Absent was: Councilmember Chris Moncada.

**EMPLOYEE RECOGNITION:** None

**PROCLAMATION:**

Mayor King read a proclamation of the Mayor and Council declaring the month of February, 2016 as “Love of Reading Month.” Mayor King then presented the proclamation to the Library Manager, Kelli Jeter. Councilmember Cook stated many people don’t know the library had a magician come in for kids and expressed appreciation for the library staff and all they do.

**PUBLIC HEARING:** None

**CALL TO THE PUBLIC:**

Tricia Gerrodette, Eagle Ridge Drive, Sierra Vista, spoke about New Business Item 7 stating she was sorry to see the policies as written mean the City has decided not to have reimbursable Staff expenses, adding this is a brand new venture for the City that has been expensive so far. Ms. Gerrodette then urged the Council to consider a lower than \$50,000 fixed fee, but to put Staff costs into a reimbursable account since this is a new process and no one has any idea of how much time and energy it’s going to take, adding it could be a black hole for taxpayers. Ms. Gerrodette then spoke about district boards for any special taxing district, stating if the Council is not the board of directors and a board is appointed, the subsequent members of that board will be elected and the Council will have no further control, noting the only voting members of the district for some time will be the landowners. Ms. Gerrodette then stated the language of the policies is in large part, based on A.R.S. §48-6801 and that statute defines a district board and the governing body clearly, but in the proposed policies in paragraphs 1.3 and 1.5 and the introduction to Article 2, a mixed use phrase of “governing board” is used. Ms. Gerrodette stated she thinks that language is unclear since the choices in state law are a district board or governing body and urged the Council to choose the correct term to avoid confusion.

Alex Binford-Walsh, Cascabel Road, Benson, gave a handout to Council stating it didn’t contain everything he wanted to give out, but it did talk about the history of the valley and the role we play in the continent. Mr. Binford-Walsh asked the Council to disregard the archeological survey. Mr. Binford-Walsh then stated for the biodiversity section, he looked at google earth and found the San Pedro River corridor is the only intact river corridor between the Sierra Madre Mountains in Mexico and the Rocky Mountains, adding all other rivers across the border have been developed or dried up, and ours is the only functional ecosystem left. The handout will be retained with the Council packet.

Stephen Insalaco, Pinto Place, J6 Ranch, spoke regarding a recent commentary he had in the newspaper titled, “Benson’s 2015 Economic Banner Year,” and the economic conditions in Benson. Ms. Insalaco mentioned there were 15 businesses that collapsed in 2015, a lack of building permits in 2015, developers are not breaking ground and existing businesses continue to collapse. Mr. Insalaco stated Benson needs new

businesses to bring higher paying jobs, jobs with benefits and jobs that will bring an infusion of federal and state dollars into this community. Mr. Insalaco then stated the BEDC (Benson Economic Development Committee) is doing a fabulous job and he commended them for their efforts and commitment to the community, but noted they are limited in their abilities to achieve true economic reform because they lack the type of empowerment required to achieve this. Mr. Insalaco then stated the BEDC doesn't have the empowerment to identify and offer incentives to respective developers, they can't barter or represent the city in negotiations, and while they can identify prospective business opportunities, they cannot directly contact them on the City's behalf nor communicate the community's invitation to establish themselves in the community. Mr. Insalaco then stated the Villages can be a good thing for the community, and the Council should nurture the development, but they should also provide a separate and unique economic development plan that is independent of this housing effort, noting the success of the project should be an addendum to the economic development plan; not the plan itself. Mr. Insalaco then stated the Council should form a new committee made entirely of Council and Staff members, establish the charter of the committee, define limitations of its autonomy, empowerment and identify what incentives the City can offer new businesses and developers. Mr. Insalaco then stated a committee of this kind should not have to wait for future Council meetings to ask permission to do things, should require few Council agenda items and should have the autonomy to execute negotiations with developers in real time. Mr. Insalaco then stated most importantly, this committee needs to be aggressive in getting out there and finding prospective developers and contacting existing service providers to come to Benson.

Arlene Larson, Green Street, Benson, stated she has lived in Benson for 10 years and feels that the quiet zones would be to the advantage of the businesses and community at large, therefore, she would like to see the quiet zones established.

Lupe Diaz, Post Rd, Benson, stated he was a Pastor and was the President of the Chamber of Commerce and that he and the business community were in favor of quiet zones. Mr. Diaz stated some concerns over the quiet zones is that they would diminish Benson being a railroad town, but he disagreed, stating the train bells will still ring, the arms will still come down and people will still be able to hear the train. Mr. Diaz stated the quiet zones will add to quality of lifestyle for citizens and especially for businesses on 4th Street and asked Council to push this through. Mr. Diaz then stated he was also in favor of the Vigneto project and he would like to see the policies and procedures move forward as soon as it can. Mr. Diaz then spoke about the district board and that he would like to see an independent board because the Council could change at any time, adding this is an election year and a new Council might not have the same vision and could stop the project from moving forward at any time. Mr. Diaz stated another reason to have an independent board is that there could be a conflict of interest with the attorneys who are working on the project and he can see where this becomes attorney run rather than committee run. Mr. Diaz then stated he read through the policies and he thinks they are great the way they are, adding he understands this was the responsibility of the Council, but he would like to see those responsibilities changed from the Council to an independent board. Mr. Diaz then spoke about events in Benson and asked the Council to begin to examine some of the new regulations from the events coordinators and talk to those putting events on. Mr. Diaz then asked the Council to start asking questions about that, adding there are insurance and activity regulations which are stifling some of the growth and he feels Benson has more restrictions than other communities which has resulted in some plans being shut down due to the restrictive requirements in Benson. Mr. Diaz stated the Council could contact him if they had any questions.

### **CITY MANAGER REPORT:**

City Manager William Stephens addressed Council, giving the dates of upcoming meetings and events.

- Wednesday, February 3, 2016 – Benson Economic Development Committee, 6:00 p.m., City Hall
- Monday, February 8, 2016 – City Council Meeting, 7:00 p.m., City Hall
- Wednesday, February 17, 2016 – Community Watershed Alliance, 6:00 p.m., City Hall
  
- Monday, February 15, 2016 – Presidents' Day – City Offices Closed

Mr. Stephens then stated for more events in Benson, the public could visit the City's website: [www.cityofbenison.com](http://www.cityofbenison.com) under "What to do Today."

**NEW BUSINESS:**

1. **Discussion and possible action on the Consent Agenda**

1a. Minutes of the November 23, 2015 Regular Meeting

1b. Invoices processed for the period from December 18, 2015 through January 15, 2016

Councilmember Lambert moved to approve the Consent Agenda. Seconded by Vice Mayor McGoffin. Motion passed 6-0.

2. **Discussion and possible action regarding the request from All the King's Horses Children's Ranch to access the City's wastewater system**

Public Works Director Brad Hamilton stated All the King's Horses Children's Ranch has been working to connect to the wastewater system for several years and recently got through a big hurdle and has the needed railroad easement. Mr. Hamilton then stated all the lines would still belong to All the King's Horses Children's Ranch; they would simply tie in to the City system and pay a connection fee as well as monthly fees. Councilmember Konrad asked if the treatment plant and lines have the capacity to accommodate the request with Mr. Hamilton confirming they did. Vice Mayor McGoffin asked how rates would be calculated since wastewater fees are based on water consumption with Mr. Hamilton stating there is a separate calculation used to determine the fees for wastewater users who don't have City water, adding it adjusts and is based on the citywide average.

City Attorney Paul Loucks then addressed Council stating if the Mayor and Council consider the approval of the direction to move forward, he would suggest the direction be to bring a contract back to the Council or to authorize Mr. Stephens to enter into an agreement. Mayor King stated he thought it was just as easy for Mr. Stephens to do so. Councilmember Konrad asked if the rate would be adjusted upward for build out at the ranch with expanded units with Mr. Hamilton stating more units would result in an increased rate.

Councilmember Konrad moved to direct Mr. Stephens to take care of this. Seconded by Councilmember Boyle. Motion passed 6-0.

3. **Discussion and possible action regarding Resolution 2-2016 of the Mayor and Council of the City of Benson, Arizona, authorizing the Recreation Coordinator to apply for a grant for a shade canopy at the pool from Cenpatico's Community Reinvestment Fund and to accept it if awarded**

City Manager William Stephens stated Recreation Coordinator Laura Parkin is here should Council have specific questions on this item. Ms. Parkin addressed Council stating she is currently working on a Parks, Trails and Open Spaces Master plan for the City and part of the planning process is to identify stakeholders and establish partnerships, adding those people attend meetings, provide input and act as the steering committee for the Master Plan. Ms. Parkin then stated the comments from those continuously say that shade is very important to them when looking for and participating in recreational opportunities. Ms. Parkin then stated Cenpatico is a stakeholder and they suggested applying for these grants, adding the City can apply for numerous grants for up to \$25,000 and the applications are due by January 29. Ms. Parkin then stated she was asking for direction to be able to apply for the grants. Councilmember Boyle asked if matching funds were required with Ms. Parkin stated the City did not have to provide matching funds, however, back in September 2014, she requested a cost estimate for a shade canopy and received an estimate of \$33,000. Ms. Parkin then stated if the City is awarded \$25,000 for this grant, the project may cost up to \$8,000 based on that 2014 estimate, but noted she would follow the procurement code and put out an RFP (Request for Proposals) for the project. Ms. Parkin then stated the current budget includes \$15,000 for the Parks, Trails and Open Spaces

Master plan, which is not costing anything, so she would ask to reallocate that money to these grant projects she was presenting.

Councilmember Konrad stated he was a cancer survivor and as such, was sensitive to all cancers, including the silent killer melanoma, adding he is all for the canopy. Councilmember Konrad then stated his question relates to a year ago when the Council received complaints about the water temperature of the pool. Ms. Parkin stated the biggest question is if it is possible to get gas to the building for a heating system for the pool, adding she is still working on that, but basically the recommendation is gas heating and she needs to find the time to get together with the Public Works Director to see if it's feasible. Councilmember Konrad stated his question was how the shade will affect the water temperature with Ms. Parkin stating ideally, she wouldn't want to cover the entire body of water, because the water in the pool is incredibly cold.

Councilmember Lambert stated New Business Items 3, 4 and 5 are the same and asked if the \$25,000 grant award would be split between the 3 projects with Ms. Parkin stating she is asking permission to apply for 3 grants, adding each grant application could be awarded up to \$25,000. Vice Mayor McGoffin asked if the \$33,000 estimate included installation with Ms. Parkin stating it did. Ms. Parkin then stated she was hoping an RFP will result with something substantially cheaper. Council discussed the size and height of the proposed canopy with Ms. Parkin stating it would be similar to the one at Lions Park, which she estimates to be 20' x 30' and that it would be generally high enough that vandalism would not be a problem. Mayor King stated some people will always try to do damage, but it's a risk the Council should take.

Vice Mayor McGoffin moved to approve Resolution 2-2016. Seconded by Councilmember Lambert. Motion passed 6-0.

4. **Discussion and possible action regarding Resolution 3-2016 of the Mayor and Council of the City of Benson, Arizona, authorizing the Recreation Coordinator to apply for a grant for a shade canopy at Union Street Park from Cenpatico's Community Reinvestment Fund and to accept it if awarded**

Mayor King stated this was basically the same as the previous item. Councilmember Lambert moved to approve Resolution 3-2016. Seconded by Mayor King. Motion passed 6-0.

5. **Discussion and possible action regarding Resolution 4-2016 of the Mayor and Council of the City of Benson, Arizona, authorizing the Recreation Coordinator to apply for a grant for the Skate Park from Cenpatico's Community Reinvestment Fund and to accept it if awarded**

Mayor King stated this was basically the same as the first grant application, but was for the skate park. Councilmember Konrad stated Ms. Parkin had communicated that the existing park equipment eliminates other user groups and asked Ms. Parkin to tell the Council what alternate physical activities would be provided. Ms. Parkin stated the grant would allow expansion of the current equipment to include BMX bikes and scooters. Vice Mayor McGoffin moved to approve Resolution 4-2016. Seconded by Councilmember Konrad. Councilmember Lambert asked if something could be done about the lighting at the skate park so it could be used until 10:00 p.m. with Ms. Parkin stating the skate park needs a lot of improvement and noted once the master plan is drafted and approved by Council, it will open up more grant opportunities, adding the lighting is something she needs to look at. Motion then passed 6-0.

6. **Discussion and possible action regarding Resolution 5-2016 of the Mayor and Council of the City of Benson, Arizona, approving a Mutual Aid Agreement with a number of Cochise County based Fire Districts, Fire Departments, Fire and Rescue Agencies, Law Enforcement Agencies, and Public Works Departments**

Chief of Police Paul Moncada stated this item is a mutual aid agreement that Cochise County sent to all agencies, asking them to participate in the agreement, adding he has been working with City Attorney Gary Cohen on the agreement. Chief Moncada stated Mr. Cohen had expressed some concerns over the agreement, but there had already been some revisions made by other entities and the County then decided not to revise the

agreement further, adding Mr. Cohen can address his concerns with the Council should they decide to discuss them. Chief Moncada then stated Staff is asking to be authorized to enter into the agreement. Council then discussed the agreement with Chief Moncada and Fire Chief Keith Spangler indicating the agreement was formalizing what has been understood and was the non-written, verbal agreement in place for fire, police, public works or any other city resources to be called upon in case of an emergency. Mr. Cohen addressed the Council stating his concerns were procedural and were not substantive, adding he had no concerns that would cause him to make a recommendation that outweighs Staff's request to have this agreement in place to work with other communities in times of need and to have other communities to serve Benson should such an emergency occur.

Councilmember Konrad and Councilmember Lambert both noted some agencies had not signed the agreement with Chief Moncada stating the information was sent quite a while ago and may not be up-to-date with Chief Spangler stating he was informed that Benson was the only municipality left to enter into the agreement, adding there may be 1 or 2 districts and some private companies, but he talked to County and they did tell him that Benson is the last municipality to step up and sign this.

Mayor King stated he wanted it to be clear for the public, that if there is a huge emergency, such as a train wreck, this agreement means Benson can bring in others to help and that Benson can also assist others. Chief Spangler stated the agreement would be utilized not only for big incidents, adding Benson utilizes the services of the surrounding fire departments on a regular basis and this agreement maintains that assistance. Chief Moncada agreed, stating Benson has always partnered if needed and this agreement is just formalizing what has been understood and what has been in practice in the past.

Councilmember Lambert moved to approve Resolution 5-2016. Seconded by Councilmember Konrad. Motion passed 6-0.

7. **Discussion and possible action regarding Resolution 6-2016 of the Mayor and Council of the City of Benson, Arizona, adopting Policies for the Consideration of Formation of Special Taxing Districts within the City's Jurisdictional Boundaries**

City Manager William Stephens stated the Council has held several worksessions and a lot of work between the City Attorneys and the attorney the City hired as the CFD expert, Mr. Guckenberger, has been done to come up with these policies for the City to use not just for El Dorado but for any developer who would like to form a CFD or special district. City Attorney Paul Loucks stated Mr. Guckenberger is available by phone if the Council needs to speak with him. Mayor King then confirmed the City Attorneys and City Staff are comfortable with the proposed policies.

Vice Mayor McGoffin stated comments from the Call to the Public indicated the City lost reimbursement for Staff costs and asked if that was the case with Finance Director Dustin DeSpain stating Staff costs would be included in the \$50,000 application fee. Vice Mayor McGoffin then asked if the language regarding the governing body or district board that Ms. Gerrodette pointed out needed to be clarified with Mr. Loucks stating he didn't think it needed clarification. Mr. Loucks then stated he would suggest other amendments, noting Ms. Gerrodette found a typo in Article 4.1 in the third line, stating the duplicated word "covering" at the end of the line needed to be removed. Mr. Loucks then Article 4.8 has different fonts, which should be corrected, the document number in the footer of each page should be removed, and formatting issues including numbering and spacing issues needed to be corrected. Vice Mayor McGoffin then moved to approve Resolution 6-2016 with the corrections as requested by City Attorney Paul Loucks. Seconded by Mayor King.

Councilmember Lambert stated Ms. Gerrodette brought up reimbursable Staff time and noted the \$50,000 application fee would pay for Staff time until the CFD was created, but would end at that point, regardless of their being an independent board or the Council serving as the district board. Councilmember Lambert then stated another thing Ms. Gerrodette brought up was that that CFD board is elected, and stated that was not the case, adding the CFD board would be appointed by the Council; 5 members would be appointed with 3 serving a 6-year term and 2 serving a 4-year term.

Councilmember Konrad thanked the attorneys for their work, adding the Council was disappointed 2 weeks ago, but the attorneys did a fine job bringing it back before the Council. Mayor King agreed, stating everyone has been pushing to have this done and thanked the attorneys and Staff for all their work on this.

Councilmember Cook stated the proposed document was titled the “City of Benson, Arizona Policy Guidelines and Application Procedures for Special Tax Districts” which includes Revitalization Districts (RD). Councilmember Cook then stated RD boards are not appointed by Council, adding in the event they are, only the original board is appointed; then the landowners have an election and put their own people on the board, adding he thinks that is what Ms. Gerrodette was talking about. Councilmember Cook then stated Article 3.2 caused him the most grief, noting the first sentence is very long and extremely complex, adding line 4 talks about a non-refundable application fee of \$50,000 and describes what it is to pay for, which is “...all internal staff time and expenses” then goes onto to bring up the refundable deposit of \$50,000 and doesn’t necessarily say what that is to pay for, although, it does say “a refundable deposit of \$50,000, including the costs incurred by the City for any third-party review of the application, including its consultants, financial advisors, and legal advisors.” Councilmember Cook then stated when he reads the words “refundable deposit including the costs incurred...”, he thinks including is tagging onto the line above it, which is the non-refundable fee to pay for all City Staff, time, expenses and refundable deposits. Councilmember Cook then stated he thinks for the average person, whether they are on the board or are a successive Councilmember, the more self-explanatory this is, the better it will be for the community. Councilmember Cook then stated he thinks the language regarding the refundable deposit; “including the costs incurred by the City....” should be changed to the same language used for the non-refundable application fee and read “to pay the costs incurred by the City...”. Councilmember Cook then stated he spoke to Mr. Loucks about this and thinks changing the word “including” and making it read “to include” would be clearer, adding attorneys make their living arguing small details.

Councilmember Cook then stated second half of that paragraph says whenever the refundable deposit of \$50,000 is expended, an additional \$25,000 would apparently be requested from the applicant, adding he thought original discussions the Council had months ago, was that if the first \$25,000 additional reimbursable funds were exhausted, there would be an additional deposit of \$25,000 until all costs were covered. Councilmember Cook then stated the proposed policies gives the City only one shot at any additional funds beyond the original \$50,000, and he thinks this was just unintentionally overlooked. Councilmember Cook then continued stating the last sentence reads “The unexpended balance of the Reimbursement Funds will be transferred to the District following its formation as a basis for its operating fund” but doesn’t say when after the formation of the districts or who will make the determination that there are any unexpended funds. Councilmember Cook then stated the language doesn’t seem to be legal language and asked Mr. Loucks for his comments.

Mr. Loucks stated he would defer to Mayor and Council regrading Councilmember Cook’s first suggestion of changing the word “including” to read “to include.” Mr. Loucks then spoke about the suggestion regarding the additional deposit of \$25,000, stating at the end of the first sentence there is a definition of the term “reimbursement funds” and it carries through the rest of the paragraph, adding the initial payment for the reimbursement funds is the second payment of \$50,000, or in other words, is the payment for third-party expenses. Mr. Loucks then stated when the additional \$25,000 is requested and paid, that money is paid as additional reimbursement funds, noting the definition at the beginning of that sentence, reads “when the reimbursement funds are expended...another \$25,000 is required” so he thinks it is consistent to say that as long as expenses are incurred by the City in review of the application on the third-party side, the developer would still be responsible for those.

Mr. Loucks then addressed Councilmember Cook’s questions about the last sentence in Article 3.2, stating the only party who would be reviewing the charges against the reimbursement funds would be the City, adding it would be the City’s responsibility to maintain that accounting and determine what the unexpended balance of the reimbursement fund is. Mr. Loucks then spoke about transferring those funds back to the district, stating if the City was dilatory in making that transfer to the district, the district would have the ability to make a demand on the City, adding he didn’t think it would be an issue, but if it were, it could be remedied quickly.

Mr. Loucks then stated he didn't see any problem with the policies as drafted, although he would defer to Mayor and Council regarding Councilmember Cook's first suggestion.

Councilmember Cook stated he feels the language needs to be self-explanatory and if he had trouble with it and it took that much of an explanation, he thinks others will have trouble also and maybe the paragraph could be rewritten. Mayor King stated he felt it was good the way it was, adding if something does come up the Council would seek their attorney's advice and take action if necessary.

Councilmember Konrad stated this item is simply dealing with application process at this point in time and doesn't even get into the finance or the board or any of that, adding he is happy with the way it is.

Councilmember Cook stated Mr. Loucks agreed to change some of the wording behind the refundable deposit, and suggested the words "to include" with Mr. Loucks stating that change was Councilmember Cook's suggestion. Mr. Loucks then stated he didn't see a problem with the suggested change and the change was at the pleasure of the Mayor and Council.

Mayor King stated there was a motion on the floor with Councilmember Cook stating he would like to propose changing word "including" to the words "to include" so the language would read "to include the costs incurred by the City...." on the 5th line in Article 3.2. Mayor King stated there was already a motion and second on the floor with Mr. Loucks stating he construed Councilmember Cook's statement was a motion to amend Vice Mayor McGoffin's motion. After a brief moment, City Clerk Vicki Vivian stated if there was no second on Councilmember Cook's motion to amend Vice Mayor McGoffin's motion, Councilmember Cook's motion would die and the Council would then act on the original motion made by Vice Mayor McGoffin. Councilmember Cook's motion died for lack of a second. The motion made by Vice Mayor McGoffin then passed 5-0 with Councilmember Cook abstaining.

8. **Update on the Railroad Quiet Zones for the Patagonia Street, San Pedro Street and Ocotillo Street crossings**

City Manager William Stephens stated Public Works Director Brad Hamilton would address Council with a presentation and update regarding the movement to try and create a quiet zone here in Benson. Mr. Hamilton stated the information an engineering style presentation, then stated he went through the information the Benson Economic Development Committee gave to Mr. Stephens regarding the quiet zones recently established in Willcox. Mr. Hamilton stated he contacted Union Pacific (UP) and noted they are not fans of quiet zones, but did direct him to the Federal Railroad Administration, which is the entity he dealt with years ago when the City looked into establishing quiet zones. Mr. Hamilton then stated the Federal Railroad Administration has guidance documents and he went through those, adding stated Council could see the chart on creating new quiet zones and the list of supplemental safety measures, noting the site also provides a calculator for the process. Mr. Hamilton then stated he completed the necessary information on the site with the data he has for the crossings, noting the data is supposed to be from the last 6 months, but he used the data he had to get an idea for the project and run different scenarios to see how to qualify for quiet zones. Mr. Hamilton then stated the Council could see the first scenario was with existing conditions, traffic counts, trains counts, number of school buses that cross a day, etc. again, noting he used the latest data he had without spending money to capture new data. Mr. Hamilton then stated the Council could see each crossing's risk factor, stating the higher that number, the higher the risk. Mr. Hamilton then stated to establish a quiet zone, all 3 crossings have to have a risk factor below the national significant risk threshold, adding the current risk index is approximately 60,000 and needs to be under 14,000. Mr. Hamilton then stated the Patagonia crossing risk index is 95,000, almost 3 times higher than the San Pedro crossing, which has a risk index of 31,000. Mr. Hamilton then stated different scenarios give choices of supplemental safety measures that can be put in place to lower the risk index, and include everything from temporary and permanent road closures, curbing and channelization devices, adding Council could see the list of safety measures, adding the farther down on the list of safety measures; the lower it's cost.

Mr. Hamilton then stated he ran the next scenario with the least amount of changes, which brought the risk index down under the national significant risk threshold, but not by much, adding when the data is updated, he doesn't know if the traffic count or the numbers of trains that travel through Benson will have increased and that may change the result. Mayor King asked if the estimated cost was for all 3 crossings or each individual crossing with Mr. Hamilton stating he didn't know if the cost shown was a national average for each crossing or all 3 crossings at this point. Mr. Hamilton then stated he wanted to show Council the least amount of work that could be done to get the risk index low enough and then stated one thing the Council needed to be aware of and remember was that the quiet zones established under this basis are subject to an annual review and if the numbers go up, the Federal Railroad Administration can come back and disqualify them.

Mr. Hamilton then stated he then ran a scenario using quad gates at the Patagonia crossing, adding the Council could see the projected cost would be up to \$128,000, but it does bring that crossing back under the risk index. Mr. Hamilton then stated the risk index of the Patagonia crossing was significantly higher (3 times) than that of the San Pedro crossing, which is only 1,000' away without much difference in traffic, but that he found the problem is that the Patagonia crossing has fatalities associated with it, adding it has a very poor safety record for pedestrian vs. train interaction, which is a big factor that drives the estimated cost of the project up. Mayor King asked if those records included cars vs. train interaction with Mr. Hamilton stating he wasn't sure if the records were kept 5 or 10 years, but he knew records were kept differently for different types of incidents and he knew there had been fatalities in the last 10 years that attributed to the risk index at the Patagonia crossing being significantly higher than the other crossings. Vice Mayor McGoffin stated there had been at least 2 suicides committed on the railroad tracks and it wasn't fair that the taxpayers now have to pay the price for that. Mr. Hamilton then stated he did discuss the crossings with Willcox staff, adding Willcox didn't have any fatalities associated with their crossings so their risk index was significantly less. Mayor King stated the fatalities in Benson would stay on the record regardless of Council action.

Councilmember Konrad asked Mr. Hamilton to address the State highway crossing the tracks with Mr. Hamilton stating in Willcox, their major railroad crossing is at Maley, which is also State Route 186, noting a lot of the improvements were done as part of an ADOT project to improve State Route 186. Mr. Hamilton stated this resulted in Willcox having to do a lot less than would be required in Benson. Mr. Hamilton then stated in Benson, the largest railroad crossing is at Ocotillo, adding there has been some discussion about the ownership of Ocotillo, so he researched back to 1973 and found it belongs to the City.

Mayor King asked if there would be any way to reduce the cost by having City employees do some of the work with Mr. Hamilton stating he wasn't sure how the Federal Railroad Administration calculates the cost, adding it may be a nationwide average, but he know some crossings have more work and some crossings have less work, noting it would seem premature to come up with an exact cost. Mayor King then stated he would like to see if Mr. Hamilton could get some breakdowns on the project and see if the City could do some of the work or if it all had to be contracted out, adding he would like to know the costs savings that may be possible using City employees. Mr. Hamilton then stated at this point, he would need updated data, adding a lot of the costs would come out in the design guidelines and design of the crossings, adding one of the suggested safety measures is 100' of median before the crossing and he is not sure 100' of median is possible at the Patagonia or San Pedro crossings, noting there are certain things that need to be worked out to see exactly what will be needed. Mayor King then asked when Mr. Hamilton might be bringing this issue back to Council with Mr. Hamilton stating it depends on his workload, but one thing he noticed was that the more money the City put in the project; the lower the risk factor. Mr. Hamilton then stated he would imagine this would be discussed further during budget discussions, which will start shortly, adding he will ask Council for funds to move forward with design.

Councilmember Konrad asked if the traffic light at Patagonia Street had any bearing with Mr. Hamilton stating it didn't seem to make a difference, noting on the list of possible safety measures, there was nothing listed about light controls. Council then discussed barriers and fences with Mr. Hamilton stating the goal of the Federal Railroad Administration was to make the crossing safer in their index than what it is with horns. Councilmember Cook stated he didn't think UP would want their east and west running road that lies north of the tracks blocked off with a fence or curbing and that Amtrak, which is located on the south side of the tracks

wouldn't like those either. Mr. Hamilton stated those are some of the discussions that will be required, noting he did contact UP and they are opposed to quiet zones altogether, adding UP doesn't think quiet zones are safe and it's tough to get through UP to get quiet zones established. Mr. Hamilton then stated he will have to see what can be done. Council then thanked Mr. Hamilton and Mr. Stephens for their work.

**DEPARTMENT REPORTS:** No comments from Council.

**ADJOURNMENT:**

Councilmember Konrad moved to adjourn the meeting at 8:26 p.m. Seconded by Vice Mayor McGoffin. Motion passed 6-0.

ATTEST:

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Toney D. King, Sr., Mayor

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Vicki L. Vivian, CMC, City Clerk