

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD MAY 9, 2011 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 7:05 p.m. with the pledge of allegiance. Mayor Fenn then introduced Kirk Sorenson of the Assembly of God who gave the invocation.

**ROLL CALL:**

Present were: Mayor Mark M. Fenn, Vice Mayor John Lodzinski, Councilmembers Jo Deen Boncquet, David Lambert, Nick Maldonado, Lori McGoffin and Al Sacco.

**EMPLOYEE RECOGNITION:** None

**PROCLAMATION:**

Mayor Fenn asked Councilmember Sacco to read a proclamation of the Mayor and Council declaring May 13, 2011 as "Benson Poppy Day." Councilmember Sacco then presented the proclamation to the American Legion Auxiliary member Violet Guerra. Mayor Fenn thanked the American Legion Auxiliary for their efforts and dedication.

**PUBLIC HEARING:** None.

**CALL TO THE PUBLIC:**

Peter Moran from the Community Watershed Alliance (CWA) gave Council a flyer and invited them to attend a meeting on May 17th at 6:30 p.m. where a specialist on solar energy would discuss and answer questions from the public. Mr. Moran then stated the City Council has an important decision to make on May 23, concerning a potential solar project proposed by Mr. Ernie Graves and if they had any ideas or questions they needed answered, they could attend the meeting and get informed. Mayor Fenn thanked Mr. Moran for bringing the meeting to Council's attention.

**CITY MANAGER REPORT:**

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

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| May 10, 2011  | – Library Advisory Board, 4:00 p.m., City Library  |
| May 11, 2011  | – City Council Budget Worksession, 7:00 p.m., City Hall (CANCELLED)  |
| May 18, 2011  | – City Council Budget Worksession, 7:00 p.m., City Hall  |
| May 19, 2011  | – City Council Budget Worksession, if needed, 7:00 p.m., City Hall   |
| May 21, 2011  | – Historic Preservation Commission, 9:00 a.m., City Hall   |
| May 23, 2011  | – City Council Budget Worksession, 6:00 p.m., City Hall<br>City Council Public Hearing and Meeting, 7:00 p.m., City Hall |
| May 24, 2011  | – Community Watershed Alliance, 6:30 p.m., City Hall   |
| May 25, 2011  | – City Council Budget Worksession, if needed, 7:00 p.m., City Hall   |
| All Saturdays | – San Pedro River Arts Council has chambers open 1:00-4:00 p.m., to view the current photography exhibit                 |
| May 17, 2011  | – General Election Day   |
| May 30, 2011  | – HOLIDAY – City Offices Closed  |

Councilmember Lambert then stated the Benson High School graduation services would be held on May 26, 2011 at 8:00 p.m. at the football field.

## **NEW BUSINESS:**

### **1. Consent Agenda**

- 1a. Minutes of the April 18, 2011 Worksession
- 1b. Minutes of the April 25, 2011 Worksession
- 1c. Minutes of the April 25, 2011 Regular Meeting, Including Executive Session Minutes
- 1d. Invoices processed for the period from April 19, 2011 through May 2, 2011

Councilmember McGoffin moved to approve the Consent Agenda. Seconded by Councilmember Lambert. Motion passed 7-0.

### **2. Presentation by “The 1st Annual Shield of Freedom Benefit Ride, in memory of Border Patrol Agent Brian Terry” of donations to the Brian Terry Memorial Scholarship Fund and to the Arizona 100 Club**

Mayor Fenn introduced Ms. Jackie Duenas who addressed Council stating she was the event coordinator for the Brian Terry Memorial Scholarship Ride, in memory of Border Patrol Agent Brian Terry, who was shot and killed in the line of duty last December. Ms. Duenas then stated the event brought in over 485 motorcycle riders and approximately 700 people attended the event at the Arena Bar, raising close to \$14,000 for three great different scholarship funds. Ms. Duenas then stated the ride was put on by two law enforcement motorcycle clubs; Hired Guns, MC of Arizona and the Brush Dawgs, LMC and then introduced the Vice President of Hired Guns, Mr. John Duenas to present donations to the scholarship funds. Mr. Duenas thanked Council for the opportunity to address them and thanked those who came together to remember Brian, the local businesses and businesses throughout the County for their sponsorships and the participants. Mr. Duenas then presented Julie Dembrowski, of the Brian Terry Memorial Scholarship Fund, a local fund for students that are pursuing an education in law enforcement, government work, criminal justice and the like, a donation in the amount of \$4,621.05. Mr. Duenas then presented a plaque to the City Council, thanking them for the support they received and the donation of the transit system to shuttle people between local hotels and the venue. Mr. Duenas then gave the plaque to Mayor Fenn before presenting a second donation to the 100 Club of Arizona in the amount of \$4,621.05. Mr. Duenas then stated this club steps forward when any public safety, law enforcement or fire personnel are killed or seriously injured in the line of duty, helping families out tremendously in those first hours and days, as they did with Brian Terry’s family. Mr. Duenas then stated a third donation in the same amount will be presented in November when they make a run to San Diego for the Border Patrol Fallen Officers Memorial Scholarship Fund, a fund for any child of a Border Patrol Agent killed in the line of duty, adding there are 3 local college students utilizing this scholarship now. Mr. Duenas then thanked the Council again. Mayor Fenn thanked Mr. Duenas and those who attended stating the Council appreciates what they have done and the efforts that went into the event.

### **3. Fireworks display contract between Fireworks Productions of Arizona, Ltd. and the City of Benson**

City Manager Glenn Nichols addressed Council stating the contract for the fireworks display is in the amount of \$10,000, which is the amount budgeted each year. Mr. Nichols then stated the 4th of July Committee accepts donations for additional fireworks, adding an addendum to the contract equaling the amount of donations will then be brought to the Council for action. Vice Mayor Lodzinski asked what the donations have been in the last few years with Mr. Nichols stating they have totaled \$4,000-\$5000.00. Councilmember Sacco then moved to approve the fireworks display contract between Fireworks Productions of Arizona, Ltd. and the City of Benson. Seconded by Councilmember Maldonado. Motion passed 7-0.

### **4. Contract for Prosecutorial Services between Ann P. Roberts and the City of Benson**

City Manager Glenn Nichols addressed Council stating the proposed contract was brought to Council at

this time to assist with the budget process. Mr. Nichols then stated Ms. Roberts has indicated she is willing to continue providing prosecutorial services under the same terms and the only changes in the proposed contract is to rescind the current contract and change the effective dates to coincide with the fiscal year. Mr. Nichols then stated Ms. Roberts was present to answer any questions Council may have. Mayor Fenn verified the contract term was 2 years and stated the work Ms. Roberts does is appreciated. Ms. Roberts stated she enjoys this portion of her work and thanked the Council. Councilmember McGoffin moved to approve the contract for prosecutorial services between Ann P. Roberts and the City of Benson. Seconded by Vice Mayor Lodzinski. Motion passed 7-0.

5. **Resolution 33-2011 of the Mayor and Council of the City of Benson, Arizona, authorizing Stantec Consulting, Inc. to proceed with Design and Construction Administration Services for the Runway Repair 10/28 in an amount not to exceed \$63,470.00**

Vice Mayor Lodzinski stated he would remove himself from the dias and abstain since his son works for Stantec, owns stock and participates in profit sharing. Public Works Director Brad Hamilton then addressed Council stating this resolution authorizes Stantec to move forward under the on-call contract to design repairs to the problems on the runway that surfaced during the last project. Mr. Hamilton then stated the project is under an FAA grant and with the additional ADOT grant funding, the City will be responsible for 2.5% of the project costs. Mr. Hamilton then stated as part of the design, we'll be looking at what caused the problem and what is needed to correct it as well as looking to see if there are other problems around the airport. Councilmember Maldonado stated he was on the Council for much of the work done at the airport and felt the project should be inspected to prevent this type of deterioration on the runway in the future. Mr. Hamilton stated Stantec would have Western Technologies, their soil engineer, who specializes in soils look at the project and soils as well. Councilmember Maldonado asked if there had been a determination on why the problems on the runway occurred with Mr. Hamilton stating the only thing known so far is the fact that the first 2 feet underneath the runway is completely saturated, so basically there is mud between the surface of the runway and 2 feet down. Councilmember Maldonado asked if the cause for the saturation was known with Mr. Hamilton stating the reason will be looked at, but at this time we didn't spend a lot of time and money examining the problem, we had to identify the problem so we could approach the FAA and request funding to make repairs. Mr. Hamilton then stated the runway was displaced to reopen airport and we are now moving forward in attempting to determine the problem and the proper design to address it. Mayor Fenn asked if the parties were the same parties in place when the runway was installed with Mr. Hamilton stating he knew Stantec was the engineer of record, but wasn't sure if Western Technologies was their soils engineer at the time. Mr. Hamilton then stated when he contacted the FAA, he found they have had the same problem with airports at Ryan Field, Safford and Douglas. Mr. Hamilton then stated the drainage ways underneath the runway will be inspected to see whether it's draining off properly and they will be looking at some non-destructive testing to see if the area of saturation is where we think they are or if it's larger. Councilmember Maldonado stated he knew there had been problems with power stations with the same thing happening to the transformer pads and fencing was placed around the units. Mr. Hamilton stated he is hopeful we're not dealing with the same kind of soil as in the valley, but it is a possibility and would also be a factor of the problem. Mayor Fenn then stated the majority of the \$63,000 cost of the design and construction administration services would come through FAA funding, with Mr. Hamilton stating after the FAA and ADOT funding, the City's cost would be approximately \$1,600.00. Councilmember Lambert then moved to approve Resolution 33-2011. Seconded by Councilmember Sacco. Motion passed 7-0.

6. **Ordinance 554 of the Mayor and Council of the City of Benson, Arizona, Amending Chapter 16 of the City Code relating to Fee Schedules to Amend Article 16-1, "Development Impact Fees," by deleting Sections 16-1-4, 16-1-11 and 16-1-14(A) and (B) and replacing with new Sections 16-1-4 and 16-1-11**

City Attorney Mike Masee addressed Council stating it was brought to his attention that in 2006, the Council, adopted by resolution particular impact fees relating to water and wastewater, based on an engineering study by HDR, but the City Code doesn't say the Council can adopt these fees by resolution. Mr. Masee then stated the proposed ordinance deletes those sections that set those very specific water and wastewater impact fees and adds a proposed new section, which authorizes Council to adopt fees by

resolution. Mr. Massee said the resolution currently in effect and the fees that have been charged since the resolution was adopted will continue, adding there is no change as far as the amount or level of those fees. Mr. Massee then stated the other substantive amendment in the proposed ordinance is a slight revision providing the foundation for participation agreements, which are the vehicles used by developers and the City to set out the process by which a developer building an off-site water or wastewater public infrastructure facility, requests some reimbursement that would typically come from the City's impact fees. Mr. Massee then stated a participation agreement can either take the development itself and reduce the amount of impact fees the development is going to pay when each lot gets developed or could have all of the impact fees on the property collected and then have some reimbursement relating to the specific nature of the infrastructure being built and financed by the developer. Mr. Massee then said a participation agreement with one of the developers off State Route 90, who is proposing to put in a water line to take potable water from the Whetstone Ranch tank and connect it to the City's water system, providing water to his development, will be brought to Council within the next few months.

Mayor Fenn asked if there were any questions and confirmed with Mr. Massee that the proposed ordinance did not affect any impact fee schedule. Vice Mayor Lodzinski moved to approve Ordinance 544. Seconded by Councilmember Boncquet. Motion passed 7-0.

**DEPARTMENT REPORTS:** None

**ADJOURNMENT:**

Councilmember McGoffin moved to adjourn at 7:33 p.m. Seconded by Vice Mayor Lodzinski. Motion passed 7-0.

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Mark M. Fenn, Mayor

ATTEST:

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Vicki L. Vivian, CMC, City Clerk