City of Benson
City Council Communication

Regular Meeting **June 23, 2014**

To: Mayor and Council Agenda Item # 4

From: Luis Garcia, CBO, CSBA, Building Official/Zoning Administrator

Subject:

Resolution 18-2014 of the Mayor and Council of the City of Benson, Arizona, approving the application by the Benson Historic Preservation Commission for a Certified Local Government Pass-Through Grant administered by the Arizona State Historic Preservation Office for assistance in completing an Inventory of structures on Fourth Street

Discussion:

The City of Benson Historic Preservation Commission proposes to conduct an inventory of structures located along Fourth Street. There are approximately 52 structures in the original downtown commercial core of the City which may qualify for historic recognition according to the National Register of Historic Places. The intent of the inventory is to determine if multiple structures can be nominated together to form a historic district or if individual structures need to be nominated separately. This grant application does not seek to complete the full nomination process, but simply to inventory structures to determine which may be eligible for nomination.

In order to help fund the inventory, which will be conducted by a licensed architect familiar with Historic Property Inventory Forms, the Historic Preservation Commission would like to apply for a federally funded pass-through grant, administered by Arizona State Parks State Historic Preservation Office. This is a matching grant for which the City of Benson will be responsible for 40% of the cost and the grant funding will cover 60% of the cost. The estimated total cost is $4,000.00.

The grant application requires a Council resolution confirming that the community supports the endeavor and that matching funds can be supplied. The Historic Preservation Commission is aware that the Commission has not been allocated any funds for Fiscal Year 2015; however, if the grant is awarded (grants are expected to be awarded in late August, 2014), the Commission would like to reassess the financial status of the City to determine if the required 40% match could be taken from General Fund accounts. The 40% match is expected to be $1,600.00.

Staff Recommendation:

Approval of Resolution 18-2014

RESOLUTION 18-2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, APPROVING THE APPLICATION BY THE BENSON HISTORIC PRESERVATION COMMISSION FOR A CERTIFED LOCAL GOBERNMENT PASS-THROUGH GRANT ADMINISTERED BY THE ARIZONA STATE HISTORIC PRESERVATION OFFICE FOR ASSISTANCE IN COMPLETING AN INVENTORY OF STRUCTURES ON FOURTH STREET

WHEREAS, the Legislature, pursuant to A.R.S. § 41-501, et seq., has authorized the establishment of the CLG Pass-Through grant Program to provide funds to the State of Arizona and other eligible applicants for the purpose of preserving historic and prehistoric resources; and

WHEREAS, the Arizona State Parks Board ("Board") is responsible for the administration of the program within the State, which has established rules and procedures governing application under the program; and

WHEREAS, said adopted procedures established by the Board require the applicant to certify by resolution the approval of applications, signature authorization, the availability of local matching funds, and authorization to sign a Participant Agreement with the Board; and

WHEREAS, the Council endeavors to raise awareness of historic preservation and the specific properties within corporate limits that may be suitable for nomination to the National Register; and

WHEREAS, an inventory of structures is the first step in the nomination process, at an estimated cost of $4,000.00, which is the subject of the attached Application to the Board for a grant under a program that will require a forty percent local match.

NOW, THEREFORE, BE IT RESOLVED that the City of Benson hereby accepts and approves the filing of an application by the Benson Historic Preservation Commission for funding through a FY 2014 CLG Pass-Through grant in the amount of $4,000.00 to conduct an inventory of properties along Fourth Street.

BE IT FURTHER RESOLVED that the City of Benson certifies that the Benson Historic Preservation Commission will comply with all appropriate state and federal regulations, policies, guidelines and requirements as they relate to the application.

BE IT FURTHER RESOLVED that the City of Benson agrees to comply with all appropriate procedures, guidelines and requirements established by the Board as part of the application process.

BE IT FURTHER RESOLVED that the City of Benson certifies that the City of Benson General Funds has matching funds in the amount of $1,600.00, and that if awarded the subject grant, is authorized to expend these funds on this project.

BE IT FURTHER RESOLVED that the City of Benson hereby authorizes the Mayor to take the actions necessary for the completion of the aforementioned project.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, this 23rd day of June, 2014.

_____
TONEY D. KING, SR., Mayor

ATTEST:

_____
VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

_____
MESCH, CLARK & ROTHSCHILD
by GARY J. COHEN
City's Attorney

Certified Local Government
HISTORIC PRESERVATION FUND PASS-THROUGH APPLICATION
Federal Fiscal Year 2014
DUE DATE: July 11, 2014

1. **PROJECT NAME:** Fourth Street Inventory
2. **TYPE OF PROJECT:**

☐ Context Development	☐ Ordinance Development	☐ Ordinance Update
☒ Survey and Inventory	☐ Nomination Preparation	☐ Nomination Update
☐ Preservation Plan	☐ Historic District Plan	☐ Design Guidelines
☐ Design Guidelines Update	☐ Local Workshop	☐

3. **PROJECT DESCRIPTION: (Attach a detailed project description, product to be submitted, specific scope items, anticipated schedule for completion including major milestones and the proposed line-item budget).**

4. **RELATIONSHIP OF THE PROJECT TO THE CLGs WORK PRIORITIES: (Attach statement.)**

5. **RELATIONSHIP OF THE PROJECT TO THE GOALS OUTLINED IN THE ARIZONA HISTORIC PRESERVATION PLAN UPDATE 2009 (Attach a statement regarding the applicable goals, which begin on page 31 of the plan.)**

6. **FUNDING:**

ESTIMATED TOTAL PROJECT COST:	$ 4,000.00	100 %
GRANT FUNDS REQUESTED:	$ 2,400.00	60 %
MATCHING FUNDS:	$ 1,600.00	40 %
SOURCE OF MATCHING FUNDS*:	City of Benson, AZ	

*(Please include a letter of intent for the matching funds by the above listed party.)

7. **PROJECT COORDINATOR/CONTACT:**
   NAME: Michelle Johnnson
   TITLE: Planner
   ADDRESS: 120 W. Sixth Street, Benson, AZ 85602
   EMAIL ADDRESS: mjohnson@cityofbenson.com
   TELEPHONE: 520-720-6328

8. **MONTHS TO COMPLETE THE PROJECT:** 12 Months-completed by September 30, 2015
   (Project Period Ends on September 30, 2015 with no possibility for extension.)

9. **PROJECT PARTNERS:** Benson Historic Preservation Commission

10. **Sign the *Certifications Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirements and Lobbying* (DI-2010) on page 3 and return it with this form and the required attachments.**

Return this form by March 15, 2013 to:

Eric Vondy
Preservation Planner
State Historic Preservation Office
1300 W. Washington Street
Phoenix, AZ 85007
Email: evondy@azstateparks.gov
Telephone: 602-542-6998 **Fax:** 602-542-4180

U.S. Department of the Interior

Certifications Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirements and Lobbying

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions - **The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.** See below for language to be used or use this form certification and sign. (See Appendix A of Subpart D of 43 CFR Part 12.)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions - (See Appendix B of Subpart D of 43 CFR Part 12.)

Certification Regarding Drug-Free Workplace Requirements - Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) - (See Appendix C of Subpart D of 43 CFR Part 12)

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative agreement or loan.

PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

CHECK X IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

PART B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

CHECK X IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

PART C: Certification Regarding Drug-Free Workplace Requirements

CHECK X IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL.

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about--
(1) The dangers of drug abuse in the workplace;
(2) The grantee's policy of maintaining a drug-free workplace;
(3) Any available drug counseling, rehabilitation, and employee assistance programs; and
(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
(1) Abide by the terms of the statement; and
(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted --
(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a) (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

120 W. Sixth Street, Benson, Cochise County, AZ, 85602

Check___if there are workplaces on files that are not identified here.

PART D: Certification Regarding Drug-Free Workplace Requirements

CHECK___IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL.

Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

PART E: Certification Regarding Lobbying
Certification for Contracts, Grants, Loans, and Cooperative Agreements

CHECK____IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND THE AMOUNT EXCEEDS $100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT; SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.

CHECK___IF CERTIFICATION FOR THE AWARD OF A FEDERAL LOAN EXCEEDING THE AMOUNT OF $150,000, OR A SUBGRANT OR SUBCONTRACT EXCEEDING $100,000, UNDER THE LOAN.

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

TYPED NAME AND TITLE

DATE

3. Project Description

Scope and Deliverable:

The City of Benson Historic Preservation Commission proposes to conduct an inventory of structures located along Fourth Street. There are approximately 52 structures in the original downtown commercial core of the city which may qualify for historic recognition according to the National Register of Historic Places. The intent of the inventory is to determine if multiple structures can be nominated together to form a historic district or if individual structures need to be nominated separately.

The area to be inventoried begins at Oasis Court, 363 West Fourth Street, and continues east along the south side of Fourth Street to 398 East Fourth Street, the original Hi Wo Grocery building. A complete listing of the parcels and structures to be inventoried is attached. Please note that there are 52 parcels encompassing the inventory area. Of these 52 parcels, 9 parcels currently do not have any structures, leaving 43 parcels to be inventoried. These 43 parcels contain approximately 52 individual structures; most parcels have only one structure, but several parcels contain multiple structures.

Using grant funds, the Historic Preservation Commission would like to contract with Ralph Comey, of Ralph Comey Architects, located in Tucson, AZ, to conduct the inventory. Mr. Comey is familiar with, and has successfully completed, the AZ State Historic Preservation Office (SHPO) required inventory forms on prior projects, including the Benson Barrio District which was approved as a historic district in 2011. Please see the attached proposal from Mr. Ralph Comey detailing the scope of work for the inventory.

Mr. Comey's services are requested because he and a former partner, Janet Stritmatter Parkhurst, began an inventory of this area, including some of the 52 structures in question, in 1997. At that time, many of the structures did not meet the criteria, particularly the age criteria. In the past 17 years, it is believed that the majority of the 52 structures in question will meet the National Register criteria, including the age requirements. Mr. Comey still possesses the 1997 inventory documents, which will be used as a basis for this proposed inventory. The prior study of the structures' details alleviates the need to re-research each individual structure history.

The completed inventory forms and associated documents for all structures will be submitted to the Benson Historic Preservation Commission. The Commission will then determine which properties meet the National Register criteria. For those structures that meet all criteria, the Benson Historic Preservation Commission will contact the individual property owners to determine if they would like to participate in the National Register nomination process, either individually or as a district if enough properties qualify. As the nomination process requires additional time, documentation and reports, if there is significant interest in pursuing nomination the Historic Preservation Commission would likely pursue another grant in 2015 or 2016.

Schedule and Milestone Accomplishments:
As grant project tasks must be completed by September 30, 2015, the Historic Preservation Commission will receive the completed the inventory and associated documents by the end of August 2015. This deadline will allow the Historic Preservation Commission the final month to assemble grant forms and submit the closing grant documents with the completed inventory. Major milestones between grant award and the September 30, 2015 deadline include the 25%, 50%, 75% and 100% inventory form completions. The proposed schedule is as follows.

Date Deliverable to Commission	**Milestone achieved**	**Report to SHPO via**
Sept 19, 2014	Contract with architect	PR1: Sept 30, 2014
Dec 19, 2014	25% inventory complete (10 structures)	PR2: Dec 31, 2014
Feb 27, 2015	50% inventory complete (21 structures)	Draft report: Mar 20, 2015
April 24, 2015	75% inventory complete (31 structures)	PR3: April 30, 2015
July 24, 2015	100% inventory complete (42 structures)	PR4: July 30, 2014
August 21, 2014	Associated documentation	Final Product: Oct 15, 2015

Budget:
There is only one budget item-the cost of architect services which were quoted as $4,000.00. See the attached proposal from Mr. Ralph Comey detailing his cost.

4. Relationship of the Project to the CLGs Work Priorities

The function of the City of Benson Historic Preservation Commission is to identify and recognize areas and structures that contain a significant link to the heritage of the community. As a railroad town, the City of Benson was uniquely situated to serve thousands of individuals as they passed from the east to the west or south. The functional commercial core of Benson still runs parallel to, and within 500 feet of, those railroad lines. Many of the structures within the inventory area served railroad travelers, and Benson residents, over 100 years ago.

As travel modes changed, with the construction of multi-lane paved highways, these structures survived intact and in place to serve the community. Located on State Highway 80 (also known as Business I-10), the 52 structures under consideration still serve railroad (AmTrak) and auto travelers, as well as Benson residents. Several businesses occupying the structures to be inventoried prominently display old photos of their building and old photos of the railroad and early vehicle travelers, testifying to the endurance of that particular building in serving the community.

The City of Benson and the Benson Historic Preservation Commission desire to recognize the long-standing contribution these structures, and their many owners, have made to the community, Benson residents and the many travelers who have partaken of their services. The

longevity of these structures and their individual stories intertwine with the community as a whole, strengthening the bond between the past and the present.

5. Relationship of the Project to the goals outlined in the Arizona Historic Preservation Plan Update of 2009

Development and restoration of a community's buildings is important to maintain the connection with the past. The longevity of a structure and its contribution to the community continues when an older building is reused and continually integrated into the life of the residents. Economic development in a growing community and historic preservation of that community's past can successfully work together.

The concept of preservation planning is acknowledged within the City of Benson, but is only minimally integrated into broader planning efforts. It is the desire of the Benson Historic Preservation Commission to continually raise awareness of the simple fact that, yes, there are historic structures in town and that those structures need thoughtful and conscientious recognition to encourage their maintenance and upkeep.

It is hoped that the action of undertaking an inventory along the primary travel route through Benson, a route established over 100 years ago, will encourage additional preservation planning actions throughout the community and encourage public support for the history and uniqueness of places that form the background of our lives.

RALPH COMEY ARCHITECTS
HISTORIC ARCHITECTS • 5215 E. 8TH ST., TUCSON, AZ 85711

June 13, 2014

Ms. Ruth Wilson, Chairman
Benson Historic Preservation Commission
761 Country Club Road
Benson, Arizona 85602

Re: Cost Proposal for Historic Commercial District Inventory

Dear Ruth:

I enjoyed meeting with you and the other members of the Historic Preservation Commission. Here is my cost proposal for preparing an inventory of a possible historic commercial district in Benson. The proposed district extends along the south side of 4th Street from 363 W. Fourth to 398 E. Fourth, from just west of Gila Street almost to Land Street. This section contains 42 buildings, or storefronts, and other structures. I will be preparing inventory forms with front view photos, plus a site map.

The total cost of this work will be $4,000. Since this is a matching grant, the City of Benson would be responsible for $2,000.

I will be able to begin the project in September and will complete the inventory and all associated documents by the end of August 2015.

Thank you for this opportunity to work again with the Commission.

Yours sincerely,

Ralph Comey

Ralph Comey, Historic Architect

PH/FAX (520) 777-7982 • COMEYARCHITECTS@COX.NET

Benson Historic Preservation Commission

GRANT APPLICATION - Benson Historic Business Area - 2014

We have 52 properties in our older business area we wish to have inventoried to see about a further National Register Nomination. Having an inventory will allow us to see if we have enough older buildings to make a Historic District or if the buildings need to be submitted separately. We previously had some of the buildings evaluated but there have been many changes over the years since this first review and we need a fresh review of each building. Some of the buildings weren't old enough to be surveyed last time but now fit the age criteria.

Saving our historic properties is important to our future connection with our past. If you forget how we got to where we are we are bound to make the same mistakes over and over. The older buildings aren't just brick, wood, and mortar; they are a vital window into the people that came before us that made Arizona what it is today. Their successes and failures are just as important to the present as they were to the past.

Our pioneers where cowboys, cattleman, miners, railroaders, storekeepers, and more. They came to this area to start new lives. We had the Apache Indians, Buffalo Soldiers, Earp's and people from all walks of life and ethnicity. They built businesses, ranches, farms, and homes and hoped for a great future. The times weren't easy but they made a difference. We hope to make just such a difference now.

There are architectural differences that each structure gave to the community. Benson is a gateway to other historic towns in Cochise County such as Tombstone, Bisbee, Douglas, Willcox, and Ft. Bowie. Recently the Union Pacific Railroad designated Benson as the first Arizona railroad town.

We try to work with the property owners to encourage them to highlight what makes each home or business special because of their historic nature. Re-using our historic buildings with a new purpose can give our community a link to the past but takes us into a brighter future. In doing this we save resources and materials. Working with local authorities can sometimes be a challenge with all these new regulations and requirements but it is worth it in the end as our older buildings have so much more character and draw interest from the locals and people visiting the area.

It is our objective to bring out what makes our historic buildings stand out among other communities in our area. The stories need to be told and the buildings are our reminders of those stores and the people they represent. Our goal is to have those buildings that fit the criteria of a Nomination to the National Register nominated as a District or separately. This inventory is the first step in that direction.

Benson Historic Preservation Commission
Ruth Wilson, Chair (520) 586-3904
761 Country Club Drive Benson, AZ 85602