City of Benson
City Council Communication

Regular Meeting **August 8, 2016**

To: Mayor and Council Agenda Item # 3

From: Bradley J. Hamilton, P.E. Director of Public Works/City Engineer

Subject:

Discussion and possible action regarding Resolution 30-2016 of the Mayor and Council of the City of Benson, Arizona, approving the application by the Benson Historical 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:

In 2014 the Benson Historic Preservation Commission received a grant from the Arizona State Historic Preservation Office to conduct an inventory of structures located along Fourth Street. Approximately 42 structures were inventoried and 32 of those structures may be eligible to contribute to a historic district. In 2014, 22 structures of the 32 were listed as being in good condition while 10 were listed as being in fair or poor condition. (Since that time, one of the 22 structures listed as being in good condition has been condemned by the Building Department.) This grant application seeks to complete the nomination process to create a federally recognized historic district. As part of this process, the State Historic Preservation Office notifies affected property owners and solicits public comment. Staff has not had sufficient contact with individual property owners to determine the general level of support for this nomination application.

As the nomination paperwork is filed by a licensed architect familiar with National Register Nomination Forms and the nomination process, 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, of which the City would be responsible for $1,600.00. For the 2016-2017 Fiscal Year, the Historic Preservation Commission was given a budget of $1,000. The Commission would like those funds for this grant match and requests that the additional $600 required be found from other Community Enrichment funds.

The grant application also requires a Council resolution confirming that the community supports the endeavor and that matching funds can be supplied.

Attachments: Pass-through grant application as completed by the Benson Historic Preservation Commission; Cost Proposal from architect Ralph Comey; Resolution 30-2016

Staff Recommendation:

Council pleasure

RESOLUTION 30-2016

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, APPROVING THE APPLICATION BY THE BENSON HISTORICAL 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

WHEREAS, the Legislature, pursuant to A.R.S. §41-511, 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, completion of nomination forms is the final step in the nomination process, and the project on which the Benson Historical Commission is requesting grant funds has an estimated cost of $4,000.00, which project 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 Historical Preservation Commission for funding through a FY 2016 CLG Pass-Through grant in the amount of $4,000.00 to submit nomination forms for properties along Fourth Street for the creation of a historic preservation district.

BE IT FURTHER RESOLVED that the City of Benson certifies that the Benson Historical 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 8th day of August, 2016.

_____
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 2016
DUE DATE: July 1, 2016

1. **PROJECT NAME:** Benson Fourth Street Historic Nomination - Part 2
2. **TYPE OF PROJECT:**
   - ☐ Context Development
   - ☐ Survey and Inventory
   - ☐ Preservation Plan
   - ☐ Design Guidelines Update
   - ☐ Ordinance Development
   - ☑ Nomination Preparation
   - ☐ Historic District Plan
   - ☐ Local Workshop
   - ☐ Ordinance Update
   - ☐ Nomination Update
   - ☐ Design Guidelines
   - ☐
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.	100 %
GRANT FUNDS REQUESTED:	$ 2,400.	60 %
MATCHING FUNDS:	$ 1,600	40 %
SOURCE OF MATCHING FUNDS*:	City of Benson	

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

7. **PROJECT COORDINATOR/CONTACT:**
   NAME: Michelle Johnson
   TITLE: Planner of City of Benson
   ADDRESS: 120 W. 6th Benson, AZ 85602
   EMAIL ADDRESS: mjohnson@cityofbenson.com
   TELEPHONE: 520 720 6328
8. **MONTHS TO COMPLETE THE PROJECT:** 12 months
   (Project Period Ends on September 30, 2017 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

Benson Fourth Street Historic Nomination

Benson, Arizona was basically started by the Railroad needing a hub for shipping in Cochise County that was closer to Tucson. So they arranged an auction to sell plots to individuals wanting to be involved in the beginning of a new community in the 1880's. We are requesting a grant to finish the nomination of Benson's Fourth Street Historic District to the National Register. The survey on the 54 buildings involved has already been completed and approved by SHPO.

Architect, Ralph Comey, of Tucson will be doing the work for this nomination. He also did the initial survey. Mr. Comey has been working with the Benson Historic Preservation Commission for many years on other nominations, ie: Benson's Barrio District and 3rd Street Railroad District. And many other nominations handled individually. Mr. Comey will write the nomination with a history of the area and the buildings involved showing how Benson was an intricate part of the history of Cochise County, Arizona Territory, and the State of Arizona. And make maps of the lay out.

Mr. Comey's bid for this second half of the nomination is $4,000.00. That would mean a match of $1,600.00 would be made by the City of Benson. So we are asking for a 60% match from this grant to equal $2,400.00.

Fourth Street was the business area and the lifeline of the community with the railroad lines directly behind the street for easy access. Benson has some of the oldest structures in the state and we are hoping to revitalize the area. There is a new housing area planned for Benson with 28,000 homes planned. And more homes planned in other locations close at hand. We feel that the Fourth Street business area could become a vital part of the growth in this area with people wanting to take these older structures and bringing our history to the forefront of Benson's growth. With this new direction we feel that people will want to shop and tour the area to get a glimpse of history and growth through time.

Benson's history is some of the oldest in the State. And Cochise County was a vital part of the old west. We had the Earp's, Apache Indian tribes, buffalo soldiers, Butterfield Stage lines all in this area. History was being made in Benson and all around us. People from all nationalities came to make a new start here in Benson. And we are looking to make a new start again by nominating this District to the National Register and giving it the prestige it deserves.

This project fits into what historic preservation is all about by highlighting the struggle of the old and the new fitting into the fabric of this community and making the old new again. With new shops and other businesses starting up it will turn this Historic business area into an exciting place to spend ones time and give new jobs to the area.

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 ✓ 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____ 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___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)

_____

_____

_____

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

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

July 16, 2016

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

Re: Cost Proposal for Historic Commercial District Nomination

Dear Ruth:

Here is my cost proposal for preparing a National Register nomination and site map of the historic commercial district in Benson.

The total cost of this work will be $4,000. I will begin this work shortly after being told to proceed.

Thank you for this opportunity to continue working for the Commission.

Yours sincerely,

Ralph Comey Architects

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

AGREEMENT

To: City of Benson Historic Preservation Commission

From: Ralph Comey Architects

Date: July 16, 2016

Re: Historic Commercial District in Benson, AZ

Scope of Work:

1. Preparation of National Register nomination of Historic Commercial District in Benson, AZ.

2. Site map showing district.

The fee for this work will be $4,000.

Ralph Comey 7/16/16

Ralph Comey Architects Date

Ruth Wilson 7-18-2016

City of Benson Historic Preservation Commission Date