

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD JULY 23, 2007 AT 7:00 P.M.
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

**MAYOR FENN
OPENED THE MEETING AT 7:03 P.M WITH
THE PLEDGE OF ALLEGIANCE.**

**PRESENT WERE: MAYOR FENN, VICE MAYOR KING,
COUNCILMEMBERS LODZINSKI, McGOFFIN, SACCO, SUAGEE, AND TIPTON**

EMPLOYEE

RECOGNITION:

Mayor Fenn recognized Loretta Goeglein for 5 years of service with the City of Benson.

COUNCIL AND

ADMINISTRATION

REPORT:

City Manager Martin Roush addressed to council regarding heavy rains in Benson the previous week. Public Works Director Brad Hamilton addressed Council explaining what efforts were done to clear channels and roads. Mr. Hamilton also informed Council that the drainage studies will be conducted after aerial photography is obtained. This is currently underway in cooperation with Pima Association of Governments annual ortho-aerial photography updates. The drainage study will assist the City in our efforts to address these problems. Councilmember Suagee stated if more residents were informed in the collection of rainwater, it would help this problem as well as address water conservation. Vice Mayor King thanked staff for their efforts and informed the public the damage and flooding is not taken lightly by Council.

Call to the Public:

Troy McGoffin addressed Council thanking them for the recent 5% Cost of Living Adjustment granted by Council. Mr. McGoffin then stated after meeting with City Manager Martin Roush, he would like to inquire about the step program for the Benson Police Department that was presented to Council. Finance Director Jim Cox stated he had researched the step program at the request of City Manager Martin Roush and found that the proposed pay ranges were approved by Council in the last budget cycle, but the step program was not.

Steven Insalaco addressed Council regarding Resolution 22-2007 adopting the Official Airport Master Plan for the City of Benson Municipal Airport. Mr. Insalaco would like to see an economic development at the airport also. Mr. Insalaco then informed Council of the storm damage at the airport, stating that there was only one case of damaged aircraft and the FBO John Martin had fixed the breached taxiway to reopen it. Mr. Insalaco then stated that the road to the airport is in need of maintenance and repairs.

CONSENT AGENDA: Vice Mayor King moved to approve the Consent Agenda. Seconded by Councilmember Lodzinski. Motion passed 7-0.

- 1a. Approval of Minutes of June 18, 2007 Special Meeting
- 1b. Approval of Minutes of June 25, 2007 Work Session
- 1c. Approval of Minutes of June 25, 2007 Regular Meeting
- 1d. Approval of Minutes of June 27, 2007 Special Meeting
- 1e. Reappointment of Ron Brooks to the Board of Adjustment
- 1f. Reappointment of Walter Schmidt to the Planning & Zoning Commission
- 1g. Reappointment of Clifford Brown to the Planning & Zoning Commission
- 1h. Reappointment of Tara Davis to the Library Board
- 1i. Reappointment of Joy McDoniel to the Library Board
- 1j. Reappointment of Ann Roberts to the Local Board (PSPRS) Public Safety Personnel Retirement System
- 1k. Reappointment of Brian Williams to the Local Board (PSPRS) Public Safety Personnel Retirement System
- 1l. Reappointment of Floyd Graf to the Local Board (PSPRS) Public Safety Personnel Retirement System
- 1m. Reappointment of Paul Castro to the Local Board (PSPRS) Public Safety Personnel Retirement System
- 1n. Reappointment of Gerald Hoskinson to the Local Board (PSPRS) Public Safety Personnel Retirement System
- 1o. Resignation of Pat McGlumphy from the Historic Preservation Commission
- 1p. Bills
- 1q. Amended Airport Hangar Lease Contract with MacMar, L.L.C.

NEW BUSINESS:

Industrial Development Authority
Presentation and Discussion with
Mr. Steven Russo (Russo, Russo
& Slania, P.C., Attorneys at
Law) and Mr. Brian Curd
(Bathgate Capital Partners,
Bond Placement
Agents):

Steven Russo addressed Council concerning the Benson Industrial Development Authority (IDA). Mr. Russo stated that the Benson IDA was in a position to become a Certified Development Entity (CDE) eligible to utilize New Market Tax Credits in its bond financing activities. Mr. Russo represents the Pima County IDA that specializes in Charter School Funding. Mr. Russo has helped the Benson IDA become a CDE to funnel certain Charter School fundings through the Benson IDA in order to earn New Market Tax Credits. These opportunities, if approved by the Attorney General's office would then need Council approval. Mr. Russo clarified that under Arizona Revised Statutes, the governing body has no liability for the repayment of the bonds issued. The Benson IDA earns income through the application fees and annual administration fee. This income is intended to benefit local commercial and industrial development. All investment activities of the Benson IDA must have Council approval.

Resolution 22-2007 of the
Mayor and City Council
of the City of Benson, Arizona
adopting the Official Airport
Master Plan for the City of Benson
Municipal Airport dated
June, 2007:

Councilmember Lodzinski moved to approve Resolution 22-2007 of the Mayor and City Council of the City of Benson, Arizona adopting the Official Airport Master Plan for the City of Benson Municipal Airport dated June, 2007. Seconded by Councilmember McGoffin. Motion passed 7-0.

City of Benson Water
Conservation Plan:

Public Works Director Brad Hamilton addressed Council concerning items Council requested more information on. These were restricted ground water usage, the use of reclaimed water on school grounds and an education program. Mr. Hamilton stated the restricted ground water usage would be an element of the plan that would be devised and brought to Council for approval. Mr. Hamilton then informed Council he had contacted the Tucson Unified School District regarding the use of reclaimed water on school grounds and they stated they had been using it for approximately 15 years and their water is treated and tested. Mr. Hamilton then stated the education program would be an important element that would again be addressed and brought to Council for their approval. Discussion was then had by Council concerning the elements of the policy that would be addressed after the adoption of the plan. These included new development requirements and the placement of the elements in the City Code or Building Codes and included monitoring the new development requirement through the permitting process. Discussion also included a rebate program and utilizing grants to help in the cost of such a program. Councilmember Suagee moved to approve the City of Benson Water Conservation Plan. Seconded by Councilmember Tipton. Councilmember Sacco then moved to amend the moved to amend the motion to approve the City of Benson Water Conservation Plan Concept only. The amended motion died for a lack of a second. Original motion passed 7-0.

Contract for Solid Waste
Services between
Southwest Disposal and
the City of Benson:

Finance Director Jim Cox addressed Council regarding the contract. Mr. Cox stated the sanitation fund has operated in excess and therefore, the City will not be raising rates for residential or commercial customers. Councilmember Tipton voiced concerns regarding charges to the City for containers left at vacant residences. Mr. Cox informed Councilmember Tipton that once a utility account is terminated, the City is not charged for the container at the residence. Councilmember Tipton then expressed concern regarding the illegal use of City containers by non-residents. A directive was issued to City Attorney Ann Roberts to research a remedy through an amendment to the City Code.

Review of Prosecutorial

Services Contract:

Vice Mayor King stated City Attorney Ann Roberts should resume prosecutorial services. Councilmember McGoffin agreed and stated the City Attorney is not needed as much in development now. Councilmember Sacco agreed. Vice Mayor King moved to not approve the Prosecutorial Services Contract. Councilmember Sacco seconded. Motion passed 7-0.

Discussion regarding the
usage of Agenda Addendums
for additional items to be
placed on the Council
Agenda:

Mayor Fenn stated that addendums will now be used for additional items to be placed on the Council agenda after Council packets are delivered. This will enable Council to have the packets earlier in the week and if an addendum is utilized, that item will not delay the majority of the Council packet. Mayor Fenn then asked that this process not be abused. Councilmember Suagee asked for a clarification in deadlines and the submission of agenda items. Mr. Roush, City Manager stated the agenda items could be submitted to the Clerk's office, or if a department was involved, to the City Manager's office, however, Council would not have a defined deadline.

Recognition of Graduates
of the Arizona Governmental
Training Seminars
(AGTS) Supervisor's
Academy:

City Manager Martin Roush addressed Council recognizing the City graduates of the AGTS Supervisor's Academy. Mr. Roush informed Council that the Supervisor's Academy consisted of eleven classes held from April 19, 2007 through June 28, 2007. The City hosted this event with approximately 30 students participating. The majority of the students were City of Benson employees with businesses from the surrounding Cochise County area attending.

Donation to the 2007
"Back to School Fair"
sponsored by South-
eastern Arizona
Behavioral Health
Services, Inc.,
(SEABHS):

Vice Mayor King stated this event helps approximately 600 people each year and this year a previous contributor's donation had been reduced. Vice Mayor King then moved to contribute an \$800.00 donation to the 2007 "Back to School Fair" sponsored by Southeastern Arizona Behavioral Health Services, Inc. (SEABHS). Councilmember Tipton seconded. Motion passed 7-0. Gloria Durgin thanked Council for their contribution and stated the "Back to School Fair" would be held on August 4, 2007.

Gold Level sponsorship of \$100.00 to the “Benson Teen Maze” sponsored by Southeastern Arizona Behavioral Health Services Inc., (SEABHS) and the Benson Unified School District (Gary Douglas, Benson Police Department):

Councilmember King made the motion to contribute \$100.00 to the “Benson Teen Maze” sponsored by Southeastern Arizona Behavioral Health Services, Inc. (SEABHS) and the Benson Unified School District (Gary Douglas, Benson Police Department). Councilmember McGoffin seconded. Motion passed 7-0.

City of Benson Procurement Code:

Councilmember Sacco moved to table City of Benson Procurement Code for Council to review and place on the next regular meeting agenda. Councilmember Tipton seconded. Motion passed 7-0.

Resolution 23-2007 of the Mayor and the City Council of Benson, Arizona, declaring as a Public Record that Certain Document entitled “Chapter 20, “Procurement Code”, Dated July, 2007:

Councilmember Lodzinski moved to table Resolution 23-2007 of the Mayor and the City Council of Benson, Arizona declaring as a Public Record that Certain Document entitled “Chapter 20, “Procurement Code”, dated July, 2007. Seconded by Vice Mayor King. Motion passed 7-0.

An Ordinance of the Mayor and City Council of the City of Benson, Arizona, amending the Benson City Code; Creating Chapter 20; Adopting the “PROCUREMENT CODE”, Dated July, 2007; and Declaring an Emergency:

Vice Mayor King moved to table the Ordinance of the Mayor and City Council of the City of Benson, Arizona, amending the Benson City Code; Creating Chapter 20; Adopting the “PROCUREMENT CODE”, Dated July 2007; and Declaring an Emergency. Seconded by Councilmember Sacco. Motion passed 7-0.

An Ordinance Levying upon the Assessed Valuation of the Property within the City of Benson, Arizona, subject to Taxation. A certain Sum upon each One Hundred Dollars (\$100.00) of Valuation, sufficient to raise the amount estimated to be required in the Annual Budget, less the amount estimated to be received from fines, licenses and other sources of revenue providing a general fund for the general municipal expenses: All for the Fiscal Year ending June 30, 2008:

Finance Director Jim Cox addressed Council concerning this item, stating the current levy of \$.5498 is a decrease from the previous levy of \$.6317. However, the revenue generated would remain approximately the same due to the increased valuation of property. Vice Mayor King moved to approve the Ordinance Levying upon the Assessed Valuation of the Property within the City of Benson, Arizona, subject to Taxation. A certain Sum upon each One Hundred Dollars (\$100.00) of Valuation, sufficient to raise the amount estimated to be required in the Annual Budget, less the amount estimated to be received from fines, licenses and other sources of revenue providing a general fund for the general municipal expenses: All for the Fiscal Year ending June 30, 2008. Seconded by Councilmember Lodzinski. Motion passed 7-0.

Resolution 24-2007 of the Mayor and City Council of the City of Benson, Arizona, authorizing City Administration to Proceed with requested Initial of Annexation of 115 acres contiguous to the City of Benson owned by San Pedro Partners, L.L.C., Debra and Matthew McDonald and the Harlan Trust:

Councilmember Suagee moved to approve Resolution 24-2007 of the Mayor and City Council of the City of Benson, Arizona, authorizing City Administration to Proceed with requested Initial of Annexation of 115 acres contiguous to the City of Benson owned by San Pedro Partners, L.L.C., Debra and Matthew McDonald and the Harlan Trust amended to read "Resolution 24-2007 of the Mayor and City Council of the City of Benson, Arizona, authorizing City Administration to Initiate the requested annexation of 115 acres contiguous to the City of Benson owned by San Pedro Partners, L.L.C., Debra and Matthew McDonald and the Harlan Trust. Seconded by Councilmember McGoffin. Motion passed 7-0.

COUNCIL DIRECTIVES:

None.

Adjournment:

Vice Mayor King moved to adjourn at 8:39 p.m. Seconded by Councilmember McGoffin. Motion passed 7-0.

ATTEST:

Mark M. Fenn, Mayor

Vicki L. Vivian, City Clerk