

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD JULY 13, 2009 AT 7:00 P.M.  
AT CITY HALL, 120 W. 6<sup>TH</sup> STREET, BENSON, ARIZONA**

**MAYOR FENN  
OPENED THE MEETING AT 7:00 P.M. WITH  
THE PLEDGE OF ALLEGIANCE.**

**PRESENT WERE: MAYOR MARK M. FENN, VICE MAYOR TONEY KING, SR.  
COUNCILMEMBERS JO DEEN BONCQUET, DAVID LAMBERT, JOHN LODZINSKI,  
LORI McGOFFIN and AL SACCO**

**INVOCATION:**

No invocation was given.

**EMPLOYEE  
RECOGNITION:**

None.

**CALL TO THE PUBLIC:**

None.

**CITY MANAGER REPORT:**

City Manager Glenn Nichols addressed Council with upcoming meetings, stating there were no upcoming events:

- July 14, 2009 – Arts Commission, 9:00 a.m., City Hall - CANCELLED  
Library Advisory Board Meeting, 4:00 p.m., City Library
- July 18, 2009 – Historic Preservation Commission Meeting, 9:00 a.m., City Hall
- July 27, 2009 – City Council Meeting, 7:00 p.m., City Hall
- July 28, 2009 – Community Watershed Alliance, 6:30 p.m., City Hall

**CONSENT AGENDA:**

- 1a. Approval of Minutes of the June 18, 2009 Special Meeting
- 1b. Approval of Minutes of the June 22, 2009 Regular Meeting
- 1c. Appointment of Al Sacco to the Benson Economic Development Subcommittee
- 1d. Resignation of Lisa Hamilton from the Mayor's 4th of July Committee
- 1e. Resignation of Kimberle Lewis from the Mayor's 4th of July Committee
- 1f. Resignation of Wayne Lewis from the Mayor's 4th of July Committee
- 1g. Processed Invoices for June 16, 2009 through July 6, 2009

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

**NEW BUSINESS:**

**1. Amended Final Plat for Arizona Legends, Blocks IIA, IB and IIB**

Mayor Fenn excused himself from this item citing a possible conflict of interest and turned the item over to Vice Mayor King. Public Works Director Brad Hamilton addressed Council stating Arizona

Legends had submitted an amended plat to increase some lot sizes and address utility issues. Mr. Hamilton stated the amended plat had been through City Staff and Planning & Zoning, stating they felt the changes were positive changes. Mr. Pat Gear, the Project Director for Arizona Legends RV Resort addressed Council thanking them for the opportunity to present the amended plat. Mr. Gear then introduced the owners of Arizona Legends RV Park and gave a brief history of the development of the property. Mr. Gear then gave a brief summary of the proposed changes to the plat, including some lot size increases and the addition of a clubhouse. Mr. Gear then stated the project has received the certificate of approval for the water utility and that they expect the wastewater approval in the next few weeks, and that they were working with Sulphur Springs Valley Electric Cooperative, but needed Council approval of the amended plat before they could proceed with electricity installation. Mr. Gear stated their had been discussion concerning a secondary access and that the roadway entering the property was an 80 foot right of way, citing City regulations considered any right of way greater than 60 feet was presumed to be a secondary access. Mr. Gear stated this project will be a gated, secured, walled-in development that everyone can be proud of. Councilmember Lodzinski asked about the possibility of bringing 4<sup>th</sup> Street up to Highway 90, with Public Works Director stating that would be an issue that would need further study and Mr. Gear stating a frontage road running through the property had been discussed and that if the City would like to consider this they would entertain continuing discussions it if it were to benefit everyone. Councilmember Lambert asked Mr. Gear to explain to the Council and public how emergency service personnel would access the property since the community would be gated. Mr. Gear then stated when the gates were installed the local manager met with the Fire and Police Departments and made recommendations to get the keys and codes to those departments, which has been done. Councilmember McGoffin commended the owners for improving the project, making it more livable and attractive. Mr. Gear thanked the Council for their time. Councilmember Lambert moved to approve the amended final plat for Arizona Legends, Blocks IIA, IB and IIB. Seconded by Councilmember Lodzinski. Motion passed 6-0 with Mayor Fenn abstaining.

2. **State Land Acquisition for the Right of Way for the Construction of a Waterline for Future Development**

City Manager Glenn Nichols addressed Council stating this State Land Acquisition was for San Pedro Partners' request to bring a water line across State Land to serve their property. Mr. Nichols stated the required fee would be paid by San Pedro Partners and there would be no cost to the City. Mayor Fenn asked for Public Works Director to reference the location of this right of way on a Citywide map. Mayor Fenn confirmed the City was acting as the applicant and that this right of way was within the already granted access easement with Mr. Hamilton. Councilmember Lodzinski moved to approve the State Land Acquisition for the Right of Way for the construction of a waterline for future development. Seconded by Councilmember McGoffin. Motion passed 7-0.

3. **Ordinance 536 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, 2010**

Finance Director Jim Cox addressed Council stating the final act in the process of adopting the budget was to adopt the property tax levy, indicating State law required cities to wait 14 days after approval of the Final Budget to do so. Mr. Cox then stated property taxes amount to approximately 3.5% of the total General Fund revenues and that the Final Budget for Fiscal Year 2009-2010 approved the levy rate of .4645%, which results in budgeted revenues of \$216,376. Mr. Cox then stated the Final Budget for Fiscal Year 2008-2009 tax levy rate was .5050%, stating the rate was slightly lowered, however budgeted revenues increased due to new construction that came onto the tax rolls during the past year. Vice Mayor King moved to approve Ordinance 536. Seconded by Councilmember Bonquet. Motion passed 7-0.

4. **Basic Service Contract with South Eastern Arizona Governments Organization (SEAGO)**

City Manager Glenn Nichols addressed Council stating this agreement was the annual service contract for planning and assistance with the Community Development Block Grant. Mayor Fenn then confirmed with Mr. Nichols that when the City received a Community Development Block Grant, the City paid for technical assistance in administering the grant in addition to the assessment for the basic service contract. Councilmember Boncquet moved to approve the Basic Service Contract with South Eastern Arizona Governments Organization (SEAGO). Seconded by Councilmember Lodzinski. Motion passed 7-0.

5. **Resolution 49-2009 of the Mayor and Council of the City of Benson, Arizona, to authorize a request for Technical Assistance Funding from the Border Environment Cooperation Commission (BECC) for Water Improvements to the SKP Well in Benson, Arizona**

Public Works Director Brad Hamilton addressed Council stating approximately 3 years ago, several City wells that did not meet the lowered arsenic regulations were shut down. Mr. Hamilton stated the City was approached by BECC to see if there were any environmental projects that could utilize grant funding and that after completing the application, the City was selected to have the water improvements to the SKP well project move forward for certification. Mr. Hamilton then stated this resolution authorized technical assistance from BECC to complete the certification process, which is required to seek federal funding. Vice Mayor King verified with Finance Director Jim Cox that there was no match and that the revenues and expenditures were in the budget and then moved to approve Resolution 49-2009. Seconded by Councilmember McGoffin. Motion passed 7-0.

6. **Discussion and possible direction concerning all aspects, including possible approval, of the City of Benson Economic Development Strategic Plan**

City Manager Glenn Nichols addressed Council stating Economic Development Subcommittee (EDSC) Chairman John Lodzinski would be addressing this item. Chairman Lodzinski then addressed Council stating several months ago, a preliminary strategic plan had been brought to Council for review and after the incorporating the suggestions, the strategic plan was now being presented to Council for possible approval. Chairman Lodzinski stated upon approval, the plan can be printed and ready for distribution. Chairman Lodzinski then stated the EDSC would then be working on a one-page synopsis to go with the strategic plan and that the Subcommittee was also working with the Chamber of Commerce to assist small businesses. Chairman Lodzinski then stated the EDSC was also working on a "shovel-ready" inventory of properties. Councilmember Boncquet moved to approve the City of Benson Economic Development Strategic Plan. Seconded by Vice Mayor King. Motion passed 7-0.

**EXECUTIVE SESSION:** As per A.R.S. § 38-431.03 (A)(4), for discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation between the Kevin L. Dirksen Family Trust and the City of Benson, Arizona

Councilmember McGoffin moved to enter in Executive Session with the City Council, City Manager, City Attorney, Public Works Director and City Clerk at 7:48 p.m. Seconded by Councilmember Lodzinski. Motion passed 7-0.

Council reconvened at 8:03 p.m.

7. **Agreement for a utility easement on the location of a constructed sewer line between the Kevin L. Dirksen Family Trust and the City of Benson**

Councilmember Boncquet moved to approve the agreement for a utility easement on the location of a constructed sewer line between the Kevin L. Dirksen Family Trust and the City of Benson.

Seconded by Councilmember McGoffin. Mayor Fenn asked if this was accounted for the in budget with City Manager Glenn Nichols indicating the payment would be from contingency funds. Motion passed 7-0.

**COUNCIL DIRECTIVES:**

None.

**DEPARTMENT REPORTS:**

None.

**ADJOURNMENT:**

Councilmember McGoffin moved to adjourn at 8:05 p.m. Seconded by Vice Mayor King. Motion passed 7-0.

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Mark M. Fenn, Mayor

ATTEST:

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Vicki L. Vivian, City Clerk