

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD JULY 27, 2009 AT 7:00 P.M.
AT CITY HALL, 120 W. 6TH 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:

Invocation was given by Bishop Nick Ashby of the Church of Jesus Christ of Latter Day Saints, Pomerene Ward.

**EMPLOYEE
RECOGNITION:**

None.

CALL TO THE PUBLIC:

Glen Jenkins – See attached comments.

Carl F. Haupt – Mr. Haupt stated he has researched the zoning issues being brought up regarding Stagecoach Trails and he has not found any that complied as he compared them. Mr. Haupt stated Stagecoach Trails has many more trailers than are allowed. Mr. Haupt stated he has had to pay for an upgraded meter on a house he had to sell and has no complaints on that. Mr. Haupt stated he has in hand records of rebates issued to the owners of Stagecoach Trails, rebates he has questioned and would like to call on City Council and the Finance Department of the City to investigate every check and every rebate ever issued to those people. Mr. Haupt stated he has seen many safety issues while he has been in the park visiting friends. Mr. Haupt brought to the attention of Council two incidents in Tucson in which there were safety violations, one of which resulted in the death of a little boy. Mr. Haupt does not want to see the City sued for not enforcing safety codes. Mr. Haupt would like to see safety codes enforced in all of the mobile home parks in the City so that his tax dollars are not used for needless lawsuits.

Kathy Suagee – See attached comments.

Leo O'Farrell – Mr. O'Farrell expressed his sincere appreciation for the continued support of the Benson Summer Chorus Program. He also expressed his thanks to Ms. Diane Faulkner of the Recreation Department for all of her help and guidance. Mr. O'Farrell stated on July 10, 2009, 4 men and 8 women gathered at the High School Auditorium under the guidance of Mr. Joel Schwindt. Mr. O'Farrell stated the chorus sounded professional and stated his appreciation for the incredible job Mr. Schwindt did in just a short amount of time in directing the chorus. Mr. O'Farrell stated he figured that the storm that was happening that evening was why the audience was small, but that the concert was about 30 minutes and was a great success. Mr. O'Farrell recorded the program on a small recorder and played about a minute of a song from the program that has great community significance to him.

Dianne Tipton – Ms. Tipton first asked why Stagecoach Trails was the subject of an Executive Session this evening. Ms. Tipton stated that according to Sheila Perkins and Mac McMillan of Planning & Zoning, they are completely unaware of any violations at the park that she manages for her son. Ms.

Tipton stated that on two different occasions she has requested a list of public records and any documentation of any complaints or any actual violations of any kind concerning zoning or anything else at the park. Ms. Tipton has received written documentation that there are none. Ms. Tipton stated she is aware that Benson residents Mr. Carl Haupt and Mr. Glen Jenkins have visited the City Manager frequently concerning alleged zoning violations at this park. Ms. Tipton stated Mr. Haupt does not live in the park and Mr. Jenkins lives next to the park. Mr. Jenkins is a brother-in-law of Mr. Nile Hansen, who was served with a forcible detainer and evicted from the park for making threats. Ms. Tipton stated she now believed that in Mr. Hansen's defense that Mr. Jenkins is seeking revenge by bombarding the City with complaints about the park in efforts to redeem his brother-in-law. Ms. Tipton stated this was childish and ridiculous and the City should not be feeding the fire. Ms. Tipton stated that if there are legitimate zoning issues that need to be addressed by the City of Benson for the entire industry, then it should be done properly, not singling anyone out. Ms. Tipton asked that if any legitimate complaints of violations are found, that the owner or the manager be notified just as with any other business in Benson. Ms. Tipton stated that Mr. Jenkins had spoken for several minutes during the Call to the Public at the last Council Meeting and that he has visited Planning & Zoning several times and on every occasion was told there were no violations at the park. Ms. Tipton stated that Jeff Smith and Sheila Perkins visited space #41 and upon doing so stated there were no issues. Ms. Tipton stated that an Executive Session strictly for the purpose of the Council to discuss with the Attorney whether or not there have been any violations at this park is completely improper and she would encourage them not to hold this session. Ms. Tipton stated to just let Planning & Zoning do their job; it is the job of Council to make policy not to enforce it. Ms. Tipton stated she believes that this has been treated as some sort of secret investigation and prevented the proper wheels from turning. Ms. Tipton stated that on the agenda no provisions have been made for Mr. Jenkins to speak and that he should only be allowed 5 minutes at the Call to the Public the same as everyone else. Ms. Tipton stated that all fees have been paid and permits have been properly displayed and all site plans have been inspected and approved.

Stephen Insalaco – See attached comments with the additional comments that Mr. Insalaco would offer his services if this event is approved.

CITY MANAGER REPORT:

City Manager Glenn Nichols addressed Council with upcoming meetings, and upcoming events:

- August 1, 2009 – SEABHS – Back to School Fair – 9:00 a.m., Lion's Park
- August 4, 2009 – Planning and Zoning Commission – 7:00 p.m., City Hall
- August 10, 2009 – City Council Meeting – 7:00 p.m., City Hall
- August 11, 2009 – Arts Commission – 9:00 a.m., City Hall
Library Advisory Board Meeting – 4:00 p.m., City Library
- August 12, 2009 – Last day for swimming at the City Pool, school starts August 13th
- August 24, 2009 – City Council Meeting – 7:00 p.m., City Hall
- August 25, 2009 – Community Watershed Alliance – 6:30 p.m., City Hall

CONSENT AGENDA:

- 1a. Approval of Minutes of the July 13, 2009 Regular Meeting, Including Executive Session Minutes
- 1b. Reappointment of Floyd Graf to the Local Public Safety Personnel Retirement Board for the Police Department
- 1c. Reappointment of Paul Castro to the Local Public Safety Personnel Retirement Board for the Police Department and Fire Department
- 1d. Reappointment of Gerald Hoskinson to the Local Public Safety Personnel Retirement Board for the Police Department and Fire Department
- 1e. Reappointment of Cliff Deane to the Planning & Zoning Commission
- 1f. Reappointment of Luanne Posegate to the Planning & Zoning Commission
- 1g. Resignation of Jean Armstrong from the Library Advisory Board

1h. Processed Invoices for July 7, 2009 through July 20, 2009

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

NEW BUSINESS:

1. **Recognition of the City of Benson's Gas Operators for the 2009 Code Compliance Audit performed by the Arizona Corporation Commission**

City Manager Glenn Nichols stated that June the City received a letter from the Arizona Corporation Commission Office of Pipeline Safety stating they found no probable non-compliance items noted during this year's audit by Roberta Primera. Mr. Nichols then asked all of those present from the City's gas department to stand and asked to give them a hand. Mayor Fenn stated as Mayor and as a businessman that the gas department has always been professional and he appreciates all of the work that they do.

2. **Request for a donation to support the "Back to School Fair" sponsored by the South East Arizona Behavioral Health Services (SEABHS) Benson Youth Advocate Team and the San Pedro Family Resource Council**

Ms. Gloria Durgin stated that this event has been going on for seven years. Ms. Durgin stated this Fair will serve all of Northern Cochise County and they are planning on 800 to 1,000 people attending. Ms. Durgin stated that the children have built this program from the ground up out of necessity and have asked the community to help. Ms. Durgin stated that the City of Benson has always been there to help. Ms. Durgin stated that the Benson group has been a leader in getting these types of fairs to where they are today. Ms. Durgin stated that this fair is a gateway for a lot of organizations that provide informational resources to get their foot in the door to Cochise County. Mayor Fenn stated that last year the City donated \$800.00 to the Back to School Fair. Vice Mayor King commented that this Fair is amazing and educational and he appreciates this event. Councilmember Sacco suggested that we donate \$1,000.00. Mayor Fenn asked since the Fair is so close if they would still be able to put that money to use this year. Ms. Durgin confirmed that they would be able to.

Councilmember Sacco moved to approve the donation of \$1,000.00 to SEABHS for the Back to School Fair. Seconded by Vice Mayor King. Motion passed 7-0.

3. **Authorization of Southwest Hazard Control under the State of Arizona Contract for Statewide Environmental Assessment/Abatement for Asbestos/Lead (#AD050026-2-A4) to Abate all asbestos containing material in the old City Hall at 160 S. Huachuca Street, Benson, Arizona for the amount of \$41,589.00**

Public Works Director Brad Hamilton stated that this item was brought before Council on May 11, 2009 and that Staff was asked to bring it back to Council in the new fiscal year. Mr. Hamilton stated this proposal is for the removal of all asbestos in the old City Hall and then City crews would go ahead and remove what is left. Mr. Hamilton stated just about everything has been found to have asbestos and those things would be cut out and removed; roll-offs would be kept in the old fire department for now. Mr. Hamilton stated the City would put up a temporary fence and provide water to keep the dust down, and would have to remove the tower that the fire siren is on. Vice Mayor King asked what the time frame would be. Mr. Hamilton replied approximately 30-45 days. Councilmember Sacco asked for an explanation in the cost as the proposal gives a \$1,350 credit which would bring the cost to \$40,239. Mr. Hamilton stated that the City has already paid the \$1,350 so the final bill will be \$40,239; he needed to get authorization for the full amount which is \$41,589. Councilmember Lambert inquired as to how long the abatement would take and stated there will be a lot of dust stirred up. Mr. Hamilton stated they are expecting about 12 working days to complete abatement and that it is Southwest Hazards job to keep the dust down while they are

working. Mr. Hamilton stated that the water is to help keep dust down and that all materials will be wrapped and hauled away. Mayor Fenn confirmed that future plans for that space is to keep it a bare lot. Mr. Hamilton confirmed that it would remain a bare lot for now.

Councilmember McGoffin moved to approve funding for the asbestos removal from the old City Hall. Seconded by Councilmember Sacco. Motion passed 7-0.

4. **Discussion and possible action ratifying the approval of the Health Insurance Plan for the City of Benson Employees**

City Manager Glenn Nichols stated Finance Director Cox is out due to illness. Mr. Nichols stated this is the information on the City's health insurance plan that was presented earlier and that this is the final ratification of that policy. Mr. Nichols stated that some co-pays had gone up and that prescriptions have remained about the same; a big savings for the City in that the emergency rooms co-pay is now \$450.00 instead of \$50.00 encouraging people to use emerge centers instead of emergency rooms. Councilmember McGoffin inquired as to whether Benson Hospital has looked at opening an urgent care facility. Mr. Nichols stated he believed that issue had been talked about but they were not able to put it together at this time. Councilmember Lodzinski asked if this was what was in the budget with Mr. Nichols confirming it is.

Councilmember Boncquet moved to approve the ratification of the Health Insurance Plan for the City of Benson Employees. Seconded by Councilmember Lodzinski. Motion passed 6-0 with Councilmember McGoffin abstaining.

5. **Discussion and possible action ratifying the establishment of a Health Reimbursement Account for the City of Benson Employees**

City Manager Glenn Nichols stated that the amount to be paid for health insurance by the employees is quite a bit higher than in the past. Mr. Nichols stated the establishment of a Health Reimbursement Account allows the City to reimburse the employees for some of the out-of-pocket expenses they have up front, and will help defer costs for the deductible as well as lower the overall costs to the City. Mr. Nichols stated this plan will lower the overall costs to the City.

Councilmember Sacco moved to approve the ratification of the establishment of a Health Reimbursement Account. Seconded by Councilmember Lambert. Motion passed 6-0, with Councilmember McGoffin abstaining.

6. **Resolution 50-2009 of the Mayor and Council of the City of Benson, Arizona, recommending approval of the Interim Permit and Person Transfer for a Type 06 (Bar) Liquor License at Turquoise Hills Golf and RV**

City Manager Glenn Nichols stated Turquoise Hills Golf and RV has requested the transfer of a license and are asking for City Council's recommendation of approval to the State Liquor Board. Mr. Nichols stated the notice was posted at the golf course for the 20 days that is required and that there were no comments received for or against the application. Mr. Nichols stated that if approved the application will be forwarded by the City Clerk to the Department of Liquor for final approval.

Councilmember McGoffin moved to approve Resolution 50-2009. Seconded by Councilmember Sacco. Motion carried 7-0.

7. **Resolution 51-2009 of the Mayor and Council of the City of Benson, Arizona, amending Resolutions 2002-07 and 31-2006 regarding terms and conditions for serving on the Mayor's Fourth of July Committee and changing the name of the Committee**

City Manager Glenn Nichols stated that after some discussion it was thought that it might behoove the City, as we grow, to change the name of the Mayor's 4th of July Committee to now be named the

City of Benson Fourth of July Committee. Mr. Nichols also stated that the other changes he was looking for was to change the committee to five members instead of seven members. Mr. Nichols stated that the openings for boards and commissions were put in the paper with little to no response. Mr. Nichols also recommended that the chairman be appointed by the Council and the rest of the committee would come through the City Manager. Mr. Nichols stated he had also had discussions with staff about putting board and committee membership lists on the website which may stir some interest if the public is aware of what is available. Mr. Nichols stated he would like to see the chairperson appointed for two years. Councilmember Sacco stated he would like to see the membership brought before Council. Councilmember Lodzinski stated that it used to be that clubs and organizations in the past have organized the Fourth of July Celebration and he would like to see that happen again with each block of the celebration taken over by a different group. Councilmember Lodzinski suggested that maybe in 2010, the Fourth of July Celebration possibly be in conjunction with a 130 year celebration as suggested by Ms. Suagee. Vice Mayor King suggested that we appoint someone from the City on this committee given the new name. Mayor Fenn stated that it is usually done by Bob Nilson, the Tourism Director.

Councilmember Lodzinski moved to approve Resolution 52-2009. Seconded by Councilmember Sacco. Motion carried 7-0.

EXECUTIVE SESSION: Per ARS § 38-431.03(A)(3), the City Council will meet in executive session to receive legal advice from its attorney regarding complaints of zoning violations occurring on or within property managed as the Stagecoach Trails Mobile Home Courts and possible enforcement options.

Councilmember McGoffin made a motion to enter into Executive Session at 7:57 p.m. Seconded by Councilmember Sacco. Motion carried 7-0.

Reconvened at 8:18 p.m.

8. Discussion and possible direction to staff regarding enforcement of zoning code violations of Stagecoach Trails Mobile Home Park

Mayor Fenn stated with allegations being made of possible zoning violations they as a Council will continue to give direction to the City Attorney, Administration, Public Works and Planning & Zoning to continue to investigate the matter and take its due course.

COUNCIL DIRECTIVES:

None.

DEPARTMENT REPORTS:

None.

ADJOURNMENT:

Councilmember McGoffin moved to adjourn at 8:19 p.m. Seconded by Councilmember Sacco. Motion passed 7-0.

Mark M. Fenn, Mayor

ATTEST:

Vicki L. Vivian, City Clerk

Glen Jenkins
204 South Land Avenue
Benson, AZ 85602
ph 801-547-7292

~~June~~ July
27, 2009

Page 1

Benson City
120 West 6th Street
Benson, AZ 85602

Reference: My Items of Concern

Honorable Mayor Fenn and Council Members;

Thank you! Thank you for listening to my concerns. Thank you for listening to my concerns and doing something about them. Thank you for completely removing the signs that confused people about addresses. Thank you for returning my rocks.

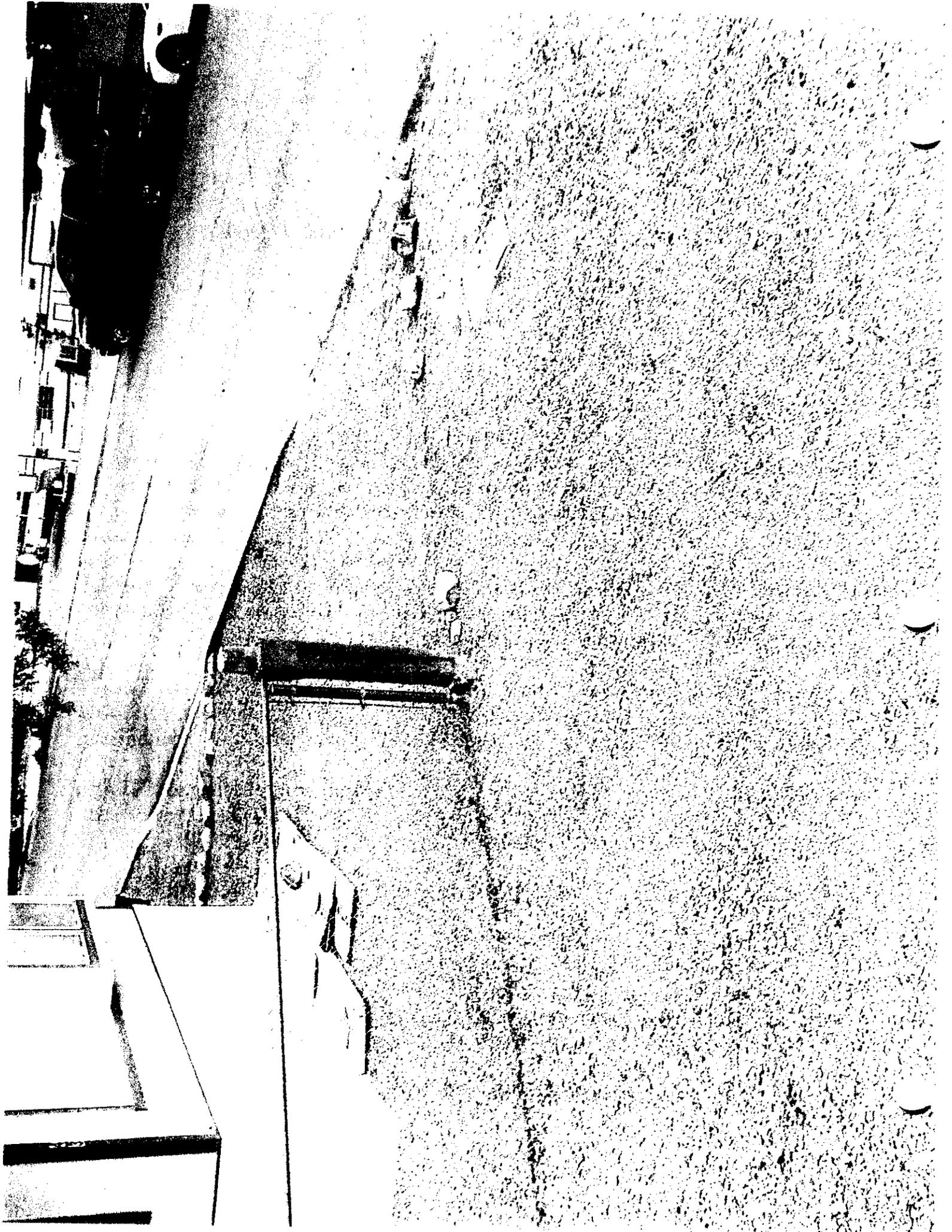
The rocks are still a discrimination issue. I feel they need to be across the city property to protect my fence and the water meters since they are in line of the driveway in the curb. They will also separate my area from the neighbor.

In the issue of the over sized trailer next door, it should be the over sized trailer for the undersized lot next door. I have pointed out that the trailer does not meet setback codes and that it was put in under protest. The owner knew it did not meet code requirements.

Basic math tells the tale. A lot seventy-five feet deep can not legally hold a sixty-eight foot trailer with a utility easement of seven feet and setback of fifteen feet. You can not subtract twenty-two($7 + 15$) from seventy-five and come up with sixty-eight.

In my process of showing the trailer in lot forty-one of Stagecoach Trails Park is to big for the lot, I have neglected to point out a very important violation. Lot forty-one is only seventy-five feet deep. In order to meet the R-3 zoning minimum lot size requirement of five thousand square feet the lot would have to be sixty-six and two thirds feet wide. This lot does not meet the minimum fifty feet wide or the minimum ninety feet deep requirements either. This lot does not qualify for a sixty-eight foot trailer. It does not even qualify for R-3 rating. The trailer should be removed!

This information is also true for other lots in the park. The park does not meet R-3 requirements.



DATE:
2009.07.27

FROM:
Stephen Insalaco
3280 West Pinto Place,
Benson, Arizona 85602
520.275.8758 cell

TO:
Mr. Mayor,
Benson City Council Members,
Director of Public Works & Airport Manager

SUBJECT:
Request for a Municipal Airport Open-House Flying-In Event.

Good evening Mr. Mayor, members of the city council, and citizens of Benson. My name is Stephen Insalaco, and I reside at 3280 West Pinto Place, J-Six Ranch. I am also an aircraft owner/operator and Benson Municipal Airport hangar tenant.

I approach you this evening on the topic of an airport open-house fly-in event. It has been in excess of four years since the highly successful Benson Municipal Airport open-house and fly-in event of 2005. Since these are trying times for the economy, and since every aspect of the city deserves its fair share of attention, I am requesting your consideration, under the direction of the Airport Manager or his designee, for the formation of an interim four to five member committee, chartered with the responsibility of organizing, formulating, managing, and with the assistance of additional volunteers, executing a municipal open-house fly-in event, in late 2009 or early 2010. This not only to boost the local economy, but also in celebration of the 10-year anniversary of the Benson Municipal Airport.

While the event should give special attention to the airport itself and the general aviation businesses on the airport, it should also be viewed as a medium to expose, advertise, and promote Katchner Caverns, and all of the businesses of the community. During the 2005 open-house event, there were Katchner Caverns Arizona State Parks representatives in attendance, as were numerous local general aviation vendors and one food concession. The event was paired with a local RC airplane club, which enthused the general public. The local chapter of the EAA and Young Eagles were also in attendance, providing free inspiration introductory flights to young citizens.

The City of Benson should promote another similar event to boost the economy and local businesses. While general aviation needs to be represented in the event, so do the local businesses, especially including those partners of the restaurant and hotel hospitality industry. The committee should try to find a way to bring as many vendors to the event, promote as many businesses as possible during the event. Vendors from outside the aviation industry should be invited, as well as other crowd gathering events and displays. There should be multiple food vendors in attendance, providing a savory aroma of fast food offerings.

The committee should solicit as many vendors as possible and find ways to present, or represent, as many local businesses as possible, small and large. The committee should make a recommendation to the council as to the most appropriate date for such an event, one that does not trespass over other local events. In addition, such a committee should be charged with the responsibility of providing a report to the council, during a regular city council meeting or work session, summarizing the results of the event, and by providing their recommendation on how future similar events could better the economy of the airport and local businesses alike. I would ask, that the City of Benson should consider making this a regular annual event, and should empower volunteers to execute the event each year.

I appreciate your consideration and attention,

Sincerely,

Stephen Insalaco
3280 West Pinto Place,
Benson, Arizona 85602
N714KU

July 27, 2009

Mr. Mayor and Honorable Council:

There are two issues about which I am addressing you tonight.

The first is that Benson is about to turn a milestone in age--in March 2010, Benson will be 130 years old. In *Around Benson*, published this past February, the last picture is of a hand-painted sign welcoming travelers to stop and celebrate Benson's first 100 years in March 1980. The picture tells me that this first milestone caught the residents unprepared. They quickly prepared a sign and a celebration to commemorate the event, and then they prayed that some of the highway traffic would stop for an hour or two. I doubt that much business was generated this way.

In 2012 the State of Arizona will celebrate its first 100 years. Wouldn't it be great if Benson could get the ball rolling by celebrating its first 130 years in 2010? I recommend that the City Council form a committee to plan a special celebration. Perhaps you could make it a part of the tasks assigned when your new July 4th Committee is put together. But this shouldn't be simply another part of July 4, 2010.

I think it would do the City some good to have a special Centennial+30 celebration to commemorate this milestone, and it would give your July 4th Committee something to get started on right away. Think of all the publicity Benson could garnish from this special event! We would have a good chance of bringing in people like the governor, national congressional representatives, and state representatives. This Council would get a lot of credit, and the event would bring the community together.

My second issue is not such a feel-good topic. My second issue tonight deals with harassment. The City is in danger of harassing a local business owner by not following its own zoning procedures. I am speaking to the issue of Stagecoach Trails Mobile Home Park. Since when does the City Council bypass the Planning and Zoning Department and proper notification and discussion with a property owner or the manager of that property, simply because a couple of grumpy old men have nothing else to do but make themselves a nuisance to the City Manager? It is a mistake to put the Stagecoach West zoning question on the agenda as an executive session when a simple conference among P&Z, the property manager, and the attorney would be the ordinary and sensible first step. Why has it gone directly to a closed-door session?

Last year, the Council was duped into getting involved in the Butterfield Plaza/P&Z dispute. Now there is a suit against the City to which the Council must respond. Valid or not, the suit will require using public funds to defend the City. As a taxpayer, I see this as misfeasance on the part of the Council. Such a mistake can be avoided at this point with regard to Stagecoach West.

I urge you to let your lawyer and your P&Z Department iron this out. Turn your attention to business that can bring the community together, not business that drives a wedge between us.

E. Kathy Suagee
Former Council Member