

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD NOVEMBER 8, 2010 AT 7:00 P.M.
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

CALL TO ORDER:

Mayor Fenn called the meeting to order at 7:00 p.m. with the pledge of allegiance.

ROLL CALL:

Present were: Mayor Mark M. Fenn, Councilmembers Jo Deen Boncquet, David Lambert, John Lodzinski, Lori McGoffin and Al Sacco. Absent was Vice Mayor Toney D. King, Sr.

EMPLOYEE RECOGNITION: None.

PROCLAMATION:

Mayor Fenn read the proclamation declaring November, "Live Local? Shop Local!" month. Mayor Fenn then thanked the Benson/San Pedro Valley Chamber of Commerce for their promotion of this program.

CALL TO THE PUBLIC:

Gloria Durgin addressed Council stating she has worked with teenagers in the City through Southeastern Arizona Behavioral Health Services (SEABHS) for almost 10 years and this summer they were given an opportunity to work on a project, which is the picnic bench that was placed at City Hall. Ms. Durgin stated the purpose of the "picture" bench was for the youth to look at their community and add something to it; showing how they felt about the community and what they thought the community felt about them. Ms. Durgin then stated what the youth wanted Council to know is that they are aware of what's going on and of who is who. Ms. Durgin then stated she had been privileged to work with many outgoing kids, some of whom were excellent presenters who had addressed Council in the past, but she also had quite a few that were very shy and even though they were shy, they were still forceful behind the scenes. Ms. Durgin then said in presenting the bench to the City, the youth wanted Council to know they put a lot of thought and work into it and they wanted to remind Council of the adolescents in the community and some of the programs they are working for. Ms. Durgin then stated they also wanted to ask Council to please strive to make more of them recognized and noticed for their positive impact on the community. Ms. Durgin then stated adolescents can be difficult at times, but for the most part, listening to them and hearing what they have to say is enlightening and they have some amazing gifts they can bring to the community. Ms. Durgin then stated this may be her last presentation since she was one of the members that were laid off at SEABHS and she doesn't know if she will be able to work with the youth again. Ms. Durgin then stated she hoped the City will look at forming a youth council, noting in the communities she has been able to work in that have a youth council, it has really given the youth a voice, adding the youth are very resourceful and it's amazing how much they were able to accomplish, such as the Back to School Fair and the Teen Maze. Ms. Durgin then asked the Council to please remember the youth stating they have a lot to offer the City, the communities they live in and hopefully, the World. Ms. Durgin then stated she hopes the City enjoys the picnic table. Mayor Fenn thanked Ms. Durgin for the picnic table and for her work with the youth.

Ron Johnson from TNT Fireworks addressed Council regarding the proposed fireworks regulations and prohibition. Mr. Johnson said when this legislation was proposed, the governor and legislature wanted to make sure it was sensitive toward the climate and the potential hazards we face in Arizona. Mr. Johnson then stated the TNT legal group went back and amended the proposal to address the National Fire Protection Association (NFPA) standards and be specifically geared toward Arizona for the handling, sales and distribution of fireworks and once they adopted that language and direction into the proposed statute, the governor and the state legislature felt very comfortable and it was crafted in such a way that it would be helpful to cities and counties of Arizona. Mr. Johnson then stated several cities had objected to not having input toward the legislation, so in the last 6 to 8 weeks, they had met with Mayors and Councils to work out some compromise regarding the sale and use of fireworks. Mr. Johnson then said the state statute

authorizes the sale of fireworks and gives cities the right to mandate their use. Mr. Johnson then stated they have met with the League of Arizona Cities and Towns and with most cities in the Phoenix area, northern Arizona and Tucson to draft a compromise that would allow the sale of fireworks for a defined time prior to the New Year's Holiday and the 4th of July Holiday instead of the 365 days a year they are currently allowed to sale fireworks and would allow the use of fireworks for 1 week prior to each holiday. Mr. Johnson then stated if the compromise is adopted, adding it looks like Phoenix, Scottsdale, Mesa, Gilbert, Glendale and Chandler will adopt it, then that language could be placed in the statute, eliminating the vagueness and different regulations in different cities. Mr. Johnson then stated as a representative of TNT Fireworks, he is asking Council to review their consideration and look at potentially joining the other cities in the state that are looking toward the compromise he mentioned.

Sylvia Burnside, San Pedro River Arts Council, thanked City Council for funding in part the Gathering of Friends & Artists stating they had a band, food and it was a successful event with approximately 175 people to meet each other and the artists who had brought pieces of art to show. Ms. Burnside then stated she would like to draw attention to the new art show in the Council Chambers, entitled, "Little Treasures" adding the title was with good reason; the works are all by local artists, the art is small and the prices are small. Ms. Burnside then stated on Wednesday, the Arts Council will be hosting a Chamber of Commerce mixer in the City Council Chambers, giving a chance for businesses and artists to come together to form common ground in the cultural development of the City. Ms. Burnside then stated the Arts Council had acquired a building on 4th Street across from the Benson Visitor Center and through the generosity of the owner, they have been given an extraordinary opportunity to have a home base from which they can continue planning events and activities for the community, adding they have great plans for a gallery space and for art education for youth and adults. Ms. Burnside stated they know it won't happen overnight, but with the continued support of the community and the City they are optimistic they can have something special without having to leave town to experience it. Ms. Burnside then thanked the Council again for their support and for giving artists a chance to display their work in the Council Chambers.

City Clerk Vicki Vivian addressed Council regarding the upcoming 2011 City elections stating the Primary Election is scheduled for March 8, 2011 with the General Election to be held on May 17, 2011. Ms. Vivian then stated candidates seeking municipal office may obtain nomination papers and other materials, which must be filed by candidates, at City Hall beginning November 8, 2010, adding candidates must file these papers and other forms by 5:00 p.m. on December 8, 2010 at City Hall in the Administration office in order for their names to appear on the Primary Election ballot. Ms. Vivian then stated the General Election will be held to fill any Council positions that are not seated at the Primary Election and also to submit a franchise agreement to the voters for final approval. Ms. Vivian then stated for City residents wishing to participate in the election process, they must be registered to vote, adding the deadline for voter registration for the 2011 Primary Election is February 7, 2011 and for the 2011 General Election, the deadline is April 18, 2011. Ms. Vivian then stated there is State law that addresses the required numbers of signatures for the candidate's name to appear on the ballot and for the 2011 election cycle, the minimum number of signatures required is 38 with the maximum number of signatures being 76.

CITY MANAGER REPORT:

City Manager Glenn Nichols addressed Council, giving the dates of upcoming meetings and events.

- November 9, 2010 – Library Advisory Board, 4:00 p.m., Library
Citizen Review Session, 6:30 p.m., City Hall
Planning & Zoning Commission, 7:00 p.m., City Hall
- November 15, 2010 – Planning & Zoning Citizen Review, 7:00 p.m., City Hall
- November 20, 2010 – Historic Preservation Commission, 9:00 a.m., City Hall
- November 22, 2010 – City Council Meeting, 7:00 p.m., City Hall
- November 23, 2010 – Community Watershed Alliance, 6:30 p.m., City Hall

- November 10, 2010 – Chamber Mixer & Art Show, 5:00 – 7:00 p.m., City Hall
- November 11, 2010 – HOLIDAY – City Offices Closed
- November 25 & 26, 2010 – HOLIDAY – City Offices Closed

NEW BUSINESS:

1. Consent Agenda

- 1a. Minutes of the October 25, 2010 Regular Meeting, Including Executive Session Minutes
- 1b. Advertising Agreement between the City of Benson and Arizona Range News/San Pedro Valley News-Sun
- 1c. Commercial Lease Agreement between the Benson Area Food Bank and the City of Benson for real property located at 370 S. Huachuca Street, Benson, AZ
- 1d. Invoices processed for the period from October 19, 2010 through November 1, 2010

Councilmember Lambert moved to approve the Consent Agenda. Seconded by Councilmember McGoffin. Motion passed 6-0.

2. Presentation by Donna Matthews of the Natural Resources Conservation Service of the United States Department of Agriculture, Coordinator of the Coronado Resource Conservation and Development Area

Donna Matthews, Coordinator of the Coronado Resource Conservation and Development Area (Coronado RC&D) addressed Council stating since the City of Benson is a member, they are eligible to have a representative on the Board, adding they appreciate the Council designating City Manager Glenn Nichols as the representative and they appreciate Mr. Nichols' service. Ms. Matthews informed the Council Coronado RC&D receives funding from the federal government to pay for some of their infrastructure and the rest is grant funded, adding as a non-profit organization, the Board of Directors can be involved in anything that's legal and benefits rural communities. Ms. Matthews then discussed some of the projects Coronado RC&D does beginning with the Rural Living Guide, which is printed for different counties and given to City Councils, Chambers of Commerce and others as an introduction for people new to the area, adding the guide for Cochise County had 5,000 printed and is now out of stock. Ms. Matthews then stated she included the Santa Cruz County Rural Living Guide for Council to view and let her know if this is something they would like Coronado RC&D to continue producing for Cochise County. Ms. Matthews then discussed another project which is a publication of invasive weeds and stated if someone has weeds they can't identify, Coronado RC&D can inspect the weeds and if they qualify, can give out free herbicide to combat the invasive weeds. Ms. Matthews then stated another goal of Coronado RC&D is rural economic development and includes basic training which will be done in the form of small workshops that will be starting in February. Ms. Matthews then stated if Benson is interested, they would consider making Benson a training site. Ms. Matthews then discussed another project they are working on that has been funded by a grant from the Arizona Department of Environmental Quality which will address the e-coli in the San Pedro Valley watershed. Ms. Matthews stated this grant will allow them to put together a team, which they are in the process of, to sample the water over 2 years to verify the recent findings of e-coli and also will support an agreement to have DNA testing done to identify the source of the problem. Ms. Matthews then stated there may be additional funding in the grant to look at projects that may mitigate the cause of the problem. Ms. Matthews then stated this 2 year project that will be done in phases, resulting in a lot more information on the river and that she would like to come back to Council every 6 months to give an update on the project.

Ms. Matthews then discussed some past projects Coronado RC&D has done including grant writing workshops, business planning and marketing and developing farmer's markets. Ms. Matthews then stated they are interested in what rural communities and people would like to see them do, adding direction comes from their members. Mayor Fenn thanked Ms. Matthews, stating the City supports Coronado RC&D's efforts. Councilmember Lambert stated he thinks it would be a good project to update the Rural Living Guide for Cochise County and have them available at the Visitor Center. Councilmember Lodzinski asked about the cost with Ms. Matthews indicating the guides cost approximately \$1.00 each and the Board solicits donations or tries to secure grant funding to get them printed, noting Mr. Nichols could bring this up at the next Board meeting.

3. Contract with Arizona Ram Jack for proposed renovations for the golf course clubhouse designed to stabilize the building and prevent further settling problems

Finance Director Jim Cox addressed Council stating Public Works Director Brad Hamilton was present to speak about Arizona Ram Jack, but he was present to address the monetary portion of this item stating the cost and expense of this project were part of the cash donation made by Arizona Golf Systems (AGS) to the City when the agreement was approved. Councilmember Lodzinski asked if Arizona Ram Jack is the same company that performed similar work at Quibiri with Mr. Hamilton confirming they did as well as similar work at Ace Hardware. Mayor Fenn then asked about the \$135,000 donation and the operating funds for the golf course for the first year with Mr. Cox stating in the final negotiations, AGS had agreed to put up a total of \$900,000 over 3 years to help fund any operating expenditures, but when the issue of the building repairs came up, Mr. Hartley agreed to a total of \$950,000. Mr. Cox then stated the down payment of \$135,000 was requested to take care of the building repairs and to build up a small operating cushion to ensure the City would not need to draw from any general fund money. Mr. Hamilton then stated another cost in the repairs will be the windows. Mayor Fenn asked if there was any danger of that cost having to be paid from the general fund with Mr. Cox verifying it will not, adding the City is getting an extra \$100,000 from AGS in the first year and he expects the entire cost of the repairs will be paid out of the pledged money. Mr. Cox then stated at the end of the 2 years and 8 months, the City will not be getting any additional money, but since the negotiations resulted in the City getting more up front, he feels it will work quite well. Mayor Fenn then asked Mr. Cox if he felt the investment in the repairs was worth it, to be able to continue operating the Pro Shop and to lease the restaurant with Mr. Cox stating that was correct, adding the City has a temporary certificate of occupancy for the Pro Shop area only and the entire restaurant area has been closed off until the repairs are completed. Mayor Fenn then asked about the warranty on the repairs with Mr. Hamilton stating Arizona Ram Jack provides a lifetime warranty and if there is any further settling, they will come back and make additional repairs. Councilmember Lambert asked if the Pro Shop would be open during construction and the timeline for repairs with Mr. Hamilton stating the Pro Shop will be open except for when they actually lift the building which will require it to be closed and the repairs will take approximately 3 weeks, noting he has not scheduled any repairs yet, but if Council approves the contract they would hope to be able to open the restaurant in January. Councilmember McGoffin moved to approve the contract with Arizona Ram Jack for proposed renovations for the golf course clubhouse designed to stabilize the building and prevent further settling problems. Seconded by Councilmember Lambert. Motion passed 6-0.

4. **Resolution 66-2010 of the Mayor and Council of the City of Benson, Arizona, authorizing the payment of extra compensation in the amount of \$125.00 per month for those qualified employees who elect to decline health insurance coverage under the City sponsored health insurance plan**

Finance Director Jim Cox addressed Council stating the City currently pays 100% of the employee's health insurance and 45% of the employees' dependent coverage. Mr. Cox then stated there are some employees, he believes between 5 and 10, who are also covered under their spouse's plans, but currently keep the City's coverage because it's at no cost to them. Mr. Cox then stated staff is proposing to offer those qualified employees, who can show coverage under another plan, additional compensation of \$125.00 per month if they will opt out of the City's health insurance, noting the current cost of the employee's health insurance is \$391.00 per month. Mr. Cox then stated the proposed additional compensation would help the employee with expenses that are not covered under their spouse's plan and would save the City about \$250.00 per month. Mr. Cox then stated this has been discussed informally and at budget sessions and he knows of 2 employees that declined to take the City's health insurance since this was discussed.

Councilmember Sacco asked about the impact of Obama care with Mr. Cox stating we can only deal with what is here today. Councilmember Sacco then expressed concern over companies dropping coverage with Mr. Cox stating if the employee were to lose coverage through their spouse, it would be considered a qualifying event and the employee could then elect to take the City's healthcare plan at that time. Councilmember Sacco asked about the proposed compensation being retroactive with Mr. Cox stating he had discussed this option with employees and told them he would present it to Council, adding he feels this is why some employees chose not to take the City's healthcare plan at the beginning of the fiscal year. Councilmember Lodzinski asked about the employee having other insurance with Mr. Cox stating the employee would have to provide proof of coverage through another plan or they would not qualify for the additional compensation. Mayor Fenn asked about the premiums paid since the beginning of the fiscal year

with Mr. Cox stating the employees this would affect had elected to not take the City's health insurance at the beginning of the fiscal year, so the City had not been paying those premiums. Councilmember Sacco asked about the tax consequences with Mr. Cox stating this would be no different than any other compensation. Councilmember McGoffin then moved to approve Resolution 66-2010. Seconded by Councilmember Lodzinski. Motion passed 5-1 with Councilmember Sacco stating the reason was that he was opposed to the policy being retroactive.

5. **Contract between the City of Benson and the Director of the Arizona Department of Corrections, for and on behalf of its Arizona State Prison Complex-Tucson for Inmate Work/Labor for special projects around the City and on the golf course**

Mayor Fenn stated Mr. Cox had requested to address New Business Item #10 after this item and stated Council would do so. Finance Director Mr. Cox then addressed Council on this item stating in prior presentations, staff projected the golf course maintenance would be largely performed using the Arizona Department of Corrections (DOC) labor and over the past couple of months, negotiated 2 10 man work crews. Mr. Cox then stated the golf course will use both crews while some changes are made and will then keep 1 crew busy permanently and the other crew would then be used for various projects around the City. Mr. Cox stated the cost will be \$.50 per hour per inmate and the transportation fee, which hasn't been defined yet because the County is also anticipating using a 10 man crew, as well as the Caverns, which would then total 4 10 man crews and the transportation costs would be split. Mr. Cox then stated the City also has to provide the crews with safety gear. Councilmember Sacco asked if other cities are doing the same thing and if there have been any problems, with Mr. Cox verifying they are and he has not heard of any problems. Mr. Cox then added he had spoken to Mr. Dick Ferdon, who used a crew of 10 people for 26 years, and said he could count on one hand the small infractions and that he never had any significant problems. Mr. Cox then stated part of the service DOC provides is training for the supervisors, noting staff has identified 15 employees who will take the training and be certified prior to any work being done.

Councilmember Sacco asked about the City's liability with City Attorney Mike Masee stating the City is only liable for our actions, not the actions of DOC, adding if City personnel did something that assisted or helped create a problem, the City would be responsible, which is why the training is important. Mr. Masee then stated DOC's liability would be their employees and the inmates would be under the control of the DOC supervisor. Mr. Masee then stated the contract is a standard contract adding the City has to work with DOC to provide a safe environment. Councilmember Sacco then asked Mr. Cox to address the leaders the contractor agrees to provide with Mr. Cox stating the City will provide 2 crew leaders at the golf course who will act as the liaison between the City and DOC, adding there will be an additional 2 people who will be able to fill in those roles as needed, noting these employees are part of the 15 employees who have been identified as being capable to be a leader and will receive training. Mayor Fenn then asked if the City had ever utilized DOC labor before with City Manager Glenn Nichols stating it had been discussed in the past, but was it not possible due to our distance from Douglas, where the inmates were. Mr. Nichols then stated by utilizing inmates from Tucson, the City was now able to consider it. Mayor Fenn then stated it was good to hear the County will have help at the County transfer station and asked about a steady flow of labor with Mr. Cox stating there are approximately 1,200 qualifying inmates who are waiting for this opportunity. Mayor Fenn stated hopefully, it will help with the rehabilitation process. Councilmember Lodzinski asked about insurance or workers' compensation with Mr. Cox stating there is no additional costs and no insurance problems. Councilmember Lodzinski moved to approve the contract between the City of Benson and the Director of the Arizona Department of Corrections, for and on behalf of its Arizona State Prison Complex-Tucson for Inmate work/labor for special projects around the City and on the golf course. Seconded by Councilmember Boncquet. Motion passed 6-0.

Mayor Fenn then stated the Council would address New Business Item #10. Councilmember Lambert stated the report Mr. Cox presented to Council shows that the City is exceeding last year's figures through June and then moved to table this item. Seconded by Councilmember McGoffin. Motion passed 6-0. Finance Director Jim Cox stated he would give a financial presentation at the November 22, 2010 Regular Council meeting.

6. **Resolution 67-2010 of the Mayor and Council of the City of Benson, Arizona declaring as a public**

record that certain document entitled “City Ordinance Fireworks: Regulation”

Building Official Luis Garcia addressed Council regarding a new State law that will go into effect December 1, 2010 regarding fireworks. Mr. Garcia then stated Resolution 67-2010, if approved, will declare the document that establishes regulations for the use of fireworks in the City, a public record. Mr. Garcia then stated the document contains the proposed amendments to the City Code that defines, establishes use, guidelines, recommendations and requirements for sale, authority to enforce and liability for emergency response related to the use of fireworks. Mr. Garcia then stated amendments to the City Code must be adopted by an ordinance, which must be published in its entirety, but by declaring the document a public record and keeping three copies of the document in the City Clerk’s office, the Council may adopt an ordinance referencing the public document which reduces publication costs.

Mayor Fenn then clarified New Business Items #6 and 7 deal with fireworks regulations and New Business Items #8 and 9 were presented as an alternative which would prohibit the use of fireworks in the City completely. Mr. Garcia then confirmed this, stating if New Business Items #6 and 7 were approved, Items #8 and 9 prohibiting fireworks would be a mute point.

Mayor Fenn then verified the proposed change, if adopted as presented, would allow the sale of fireworks in the City of Benson throughout the year with Mr. Garcia stating that was correct and the only restriction would be our adopted Fire Code which regulates the point of sale for the fireworks, separation requirements for fire protection, quantity, limitations, and so forth. Mayor Fenn then verified those regulations would be for the facility or premises that would sell the fireworks with Mr. Garcia confirming this. Mr. Garcia then stated the City’s fire code references the National Fire Protection Association (NFPA) standards which staff would then review at the local businesses to make sure they are in compliance. Mayor Fenn then asked about addressing portable facilities such as tents with Mr. Garcia stating the City’s adopted fire code and the NFPA standards would handle those situations as well.

Councilmember McGoffin verified fireworks can be bought year round, but set off only during certain times with Mr. Garcia confirming this. Mr. Garcia then gave a powerpoint presentation regarding the House Bill which goes into effect on December 1, 2010. Mr. Garcia stated the bill defines the type of permitted fireworks and authorizes the state fire marshal, who adopts the state fire code, to adopt rules pertaining to fireworks. Mr. Garcia stated the bill also prohibits the sale to any persons under the age of 16 and allows for different cities to regulate the use of consumer fireworks at a local level. Mr. Garcia then stated the bill also give cities the authorization to adopt local regulations for the use of display fireworks, such as the 4th of July fireworks. Mr. Garcia then stated the proposed item restricts the use of display fireworks to professionals, adding other State law addressed a bond requirement and a permit requirement. Mr. Garcia then went over the options the City has regarding the new State law which would be to limit the use of fireworks to the 4th of July and New Year’s Day, to limit the use to certain hours of the day, to prohibit the use in public parks, and the law also gives authority to the Fire Chief to prohibit the use even during allowed times in case of high fire danger. Mr. Garcia then stated the law also gives cities the authorization to prohibit the use of fireworks outright. Mr. Garcia then stated the first item presented to Council, this item, regulates fireworks and allows their use during the 4th of July and New Year’s Day from the beginning of the holiday to 2:00 a.m., stating the reason for the hours is to have the Fire Department and Police Department on alert during this time and for them to be able to schedule the appropriate staff to respond to emergencies that may arise because of this law. Mayor Fenn then stated for the Council and the public that fireworks can be sold throughout the year, but this item, if approved, will limit the use of the fireworks to the 2 holiday times Mr. Garcia just identified. Mr. Garcia then confirmed this stating the bill, now State law, did not contain anything regulating when fireworks are allowed to be sold, but only gave the authority for cities to be able to regulate the use of the fireworks.

Councilmember Lodzinski asked if the proposed item regulated where fireworks could be used during the allowed times with Mr. Garcia stating use in public places, such as the park, is not allowed. Mr. Garcia then stated the proposed regulations were reviewed by both the Fire Chief and the Police Chief, and has staff approval and recommendation.

Councilmember Lambert then stated he understood Mr. Johnson’s position, but noted the City has a problem with animals reacting to the fireworks and he is in favor of designated hours on the 2 holidays.

Councilmember Lambert then asked both the Fire Chief and the Chief of Police if the designated hours would be in the best interest of responding to calls with Chief of Police Paul Moncada stating with designated hours, it would hopefully reduce the number of nuisance calls and would be important for enforcement. Councilmember Lambert then questioned if a variance would be needed if the City were to change the date for the 4th of July celebration with Chief Moncada stating he felt the City would be best served to allow them when the City's celebration is held. Councilmember Lambert then asked Fire Chief Keith Spangler about the fire department being at the park during the 4th of July display fireworks and if this would impair their response to other emergencies with Chief Spangler stating the fire department stages during the 4th of July celebration to be able to get out and handle other emergencies as needed.

Councilmember Sacco asked if vendors selling fireworks would be certified with Mr. Garcia stating anyone selling fireworks in the City limits is not only federally regulated, but would also require a permit from the City which would require staff to perform a building safety review of the facility. Councilmember McGoffin then moved to approve Resolution 67-2010. Seconded by Councilmember Lambert. Motion passed 6-0.

7. **Ordinance 551 of the Mayor and Council of the City of Benson, Arizona, amending the Benson City Code Chapter 10 "Offenses," Article 10-1 "Offenses", amending Section 10-1-3 and adopting new Section 10-1-10 "Fireworks"; establishing penalty; and effective date**

Councilmember Lambert moved to approve Ordinance 551. Seconded by Councilmember Boncquet. Motion passed 6-0.

8. **Resolution 68-2010 of the Mayor and Council of the City of Benson, Arizona, declaring as a public record that certain document entitled "City Ordinance Fireworks: Prohibition of Use"**

Mayor Fenn then stated New Business Items 8 and 9 were now mute points and would not need to be addressed. No action was taken.

9. **Ordinance 552 of the Mayor and Council of the City of Benson, Arizona, amending the Benson City Code Chapter 10 "Offenses," Article 10-1 "Offenses", amending Section 10-1-3 and adopting new Section 10-1-10 "Fireworks"; establishing penalty; and effective date**

Mayor Fenn previously stated New Business Items 8 and 9 were now mute points and would not need to be addressed. No action was taken.

10. **Review of City Finances with emphasis on September, 2010, financial results and the City's financial position at September 30, 2010 and discussion of sales tax revenues and projected future net revenues**

This item was addressed immediately following New Business Item #6.

DEPARTMENT REPORTS: None

ADJOURNMENT:

Councilmember Lambert moved to adjourn at 8:17 p.m. Seconded by Councilmember McGoffin. Motion passed 6-0.

Mark M. Fenn, Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk