

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD MARCH 9, 2009 AT 7:00 P.M.
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

**MAYOR FENN
OPENED THE MEETING AT 7:01 P.M WITH
THE PLEDGE OF ALLEGIANCE.**

**PRESENT WERE: MAYOR FENN, VICE MAYOR KING
COUNCILMEMBERS LAMBERT, LODZINSKI and SACCO
ABSENT WAS: COUNCILMEMBERS BONCQUET and McGOFFIN**

INVOCATION:

Mayor Fenn introduced Pastor Larry Pondoff of the Calvary Baptist Church who gave the invocation.

**EMPLOYEE
RECOGNITION:**

None.

CALL TO THE PUBLIC:

City Clerk Vicki Vivian addressed Council stating she would like to remind those present that on Tuesday, March 10, 2009, the Primary Election would be held. Ms. Vivian stated the polling place would be the Benson Fire Department, at 375 E. 7th Street, with the polls being open from 6:00 a.m. to 7:00 p.m.

CONSENT AGENDA:

- 1a. Approval of Minutes of the February 23, 2009 Worksession
- 1b. Approval of Minutes of the February 23, 2009 Regular Meeting, Including Executive Session Minutes
- 1c. Authorizing distribution of grant funds to William R. Deutsch, pursuant to a Fiscal Year 2006 Arizona Historic Preservation Heritage Fund grant, for the Benson Historic Railroad District Project
- 1d. Processed Invoices for February 17, 2009 through March 2, 2009

Councilmember Lambert requested to remove items 1c from the Consent Agenda. Councilmember Lambert then moved to approve the remaining Consent Agenda items. Seconded by Councilmember Sacco. Motion passed 5-0.

Mayor Fenn then stated the Council would then address Consent Agenda Item 1c. Finance Director Jim Cox then addressed Council stating this item was a Heritage Grant approved by Council in 2006; however, the language at that time did not specifically stated that the City would serve as a conduit for the grant funds that would be distributed to Mr. Deutsch. Mr. Cox stated Mr. Deutsch had filed his first request for payment, which was approved by the Stated and sent to the City in the amount of \$67,000. Mr. Cox then stated he felt it was appropriate to hold those funds until Council specifically approved the distribution. Mr. Cox then stated another request in the amount of \$62,000 was expected to be submitted in the near future. Mayor Fenn then verified with Mr. Cox that Mr. Deutsch provided the matching funds that were required in the grant, with Mr. Cox indicating the total grant was approximately \$232,000 requiring approximately \$98,000

in matching funds from Mr. Deutsch. Mayor Fenn then verified the use of the funds was overseen by the State. Councilmember Lodzinski moved to approve item 1c from the Consent Agenda. Seconded by Vice Mayor King. Motion passed 5-0.

NEW BUSINESS:

1. **Introduction of the Benson/San Pedro Valley Chamber of Commerce Director Robert Mucci**

Mayor Fenn invited Robert Mucci, Director of the Benson/San Pedro Valley Chamber of Commerce to come forward and introduce himself. Mr. Mucci thanked Council for the opportunity to address Council and introduce himself to the Council and the community. Mr. Mucci the Chamber had a lot of responsibility and that he looked at the Chamber as becoming an integral part of what goes on in the City and working very closely with the City to help businesses that are here and to promote other businesses to come to the area. Mr. Mucci stated Benson has a good tourist population, an active winter visitor population. Mr. Mucci then stated in 2008, the Chamber of Commerce website had over 300,000 hits and that he would like to update their website. Mr. Mucci stated the Chamber was contacted for a lot of information that should be passed onto the proper entity. Mr. Mucci stated he looked forward to moving the Chamber forward and working with the City and local businesses. Councilmember Lodzinski stated Mr. Mucci was recently appointed to the Benson Economic Development Subcommittee and that it was beneficial to have a chamber member that understands some of the things the Subcommittee would like to see done that really belong in the Chamber's role, such as small business start up and assistance programs. Mr. Lodzinski then stated Mr. Mucci has been a good addition to the Subcommittee and sees a lot of good things in the future for Benson.

2. **Resolution 15-2009 of the Mayor and Council of the City of Benson, Arizona, to accept the State of Arizona Department of Transportation Aeronautics Division Grant, and approve the intergovernmental grant agreement, for Improvements at the Benson Municipal Airport (E9F07)**

Public Works Director Brad Hamilton addressed Council stating Resolution 15-2009, 16-2009 and 17-2009 all dealt with the approval of the State's grant at the Benson Municipal Airport and the administration of the funds, allowing electronic transfers and authorizing agents for the management of the funds. Mr. Hamilton then stated the physical work at the airport for this grant had been completed and staff was now processing the paperwork to close out the federal grant. Councilmember Sacco moved to approve Resolution 15-2009. Seconded by Councilmember Lambert. Motion passed 5-0.

3. **Resolution 16-2009 and Resolution 17-2009 of the Mayor and Council of the City of Benson, Arizona, authorizing investment in the Local Government Investment Pool (LGIP) for purposes of funding the above-referenced Aviation Fund Grant; and authorizing and designating its agents for managing the funds in the LGIP**

Councilmember Lambert moved to approve Resolution 16-2009 and 17-2009. Seconded by Vice Mayor King. Motion passed 5-0.

4. **Resolution 18-2009 of the Mayor and Council of the City of Benson, Arizona, adopting The City of Benson Investment Policy for the investment of idle funds**

Finance Director Jim Cox addressed Council stating the City has not had an official investment policy and that the City has always invested in the Local Government Investment Pool with the State of Arizona (LGIP), in fund number 5, which is a mixture of mortgage backed securities and highly rated corporate bonds. Mr. Cox stated in the previous summer he had been concerned about mortgage backed securities and highly rated corporate bonds and in August had moved the

City's investment funds out of the LGIP #5 into LGIP #7, which was very safe, but much lower yielding, only yielding approximately 0.2%. Mr. Cox stated since August, most of the investment funds were moved out of LGIP #7 into Certificates of Deposit (CD) at various banks around the country, stating as long as the investment was under \$250,000, it was fully insured by the FDIC and was receiving approximately 1.7% to 2.6% yield depending on the maturity of the CD. Mr. Cox then stated he felt it was appropriate that Council address an investment policy that would direct the Finance Director as to the types of investments that Council would like to see the City make. Mr. Cox then stated the proposed policy is a very simple policy that clearly states our investment objectives are safety, liquidity and yield, in that order and that we have a policy that limits the type of investments that the City is allowed to make. Mr. Cox stated the proposed policy limits those types of investments to the LGIP funds #5 and #7 and any other investment that carries the full faith and credit of the United States Government. Mayor Fenn asked Mr. Cox if there were any funds left in harm's way, with Mr. Cox stating there was approximately \$2,000 left in LGIP #5, which was the total amount of exposure to non-government guaranteed bonds. Councilmember Lodzinski moved to approve Resolution 18-2009. Seconded by Councilmember Sacco. Motion passed 5-0.

5. **Resolution 19-2009 of the Mayor and Council of the City of Benson, Arizona, amending the Benson City Code, Chapter 4, "Public Safety," Articles 4-3, "Fire Department," and 4-4, "Emergency Services;" and declaring those amendments to be public records, and adopting them by reference**

Vice Mayor King stated due to a conflict of interest, he would be abstaining from Agenda Item 5 and Agenda Item 6. Fire Chief Spangler addressed Council giving a brief overview of the proposed changes to the Code, which included the unlawfulness for any person to congregate within 200 feet of any natural gas leak, the language clarifying the establishment and continuation of the reserve account for the payment of injured firefighter wage claims, updating the service area for extrications in the Cascabel Fire Department's response area, responding to all natural gas leak and odor calls, the response to all life safety incidents, the Fire Chief now serving as the Emergency Services Director and the Emergency Services Director now reporting to the City Manager. Chief Spangler then expressed that responding to all Emergency Medical Services (EMS) will require no additional start up costs, stating the City already has the equipment needed to respond to medical incidents and that any medical inventory costs that will be incurred will be for equipment that is already in need and will take place whether we have the EMS response or not, stating the equipment is needed for their jump bags or first aid kits on the apparatus and that grants can be applied for to obtain additional equipment. Chief Spangler then stated Healthcare Innovations, (HCI) has agreed to replace any supplies the fire department uses at the scene. Chief Spangler then stated HCI responded to 631 calls in 2008, which would be an average of 2.2 calls per day, stating responding to these calls would amount to approximately \$1300.00 per year in additional fuel costs and approximately \$16,000 in additional payroll for each pair of firefighters responding to these calls. Chief Spangler then stated adding life safety incidents to the calls the fire department will respond to will enable the Benson Fire Department to respond to calls other fire departments respond to. Mayor Fenn stated he would like Chief Spangler to keep track of the additional costs to inform Council of the increased costs with Chief Spangler stating the policy could be adjusted to find a balance with the fire department being dispatched as needed. Mayor Fenn asked Chief Spangler to address the ambulance stations, with Chief Spangler stating there was an ambulance stationed in Benson, St. David and in Willcox and that the fire department would augment HCI's service, providing the citizens of Benson and those traveling through Benson with emergency medical service until HCI would be able to arrive on-scene. Councilmember Sacco thanked Chief Spangler for his work and then moved to approve Resolution 19-2009. Seconded by Councilmember Lodzinski. Motion passed 4-0 with Vice Mayor King abstaining.

6. **Ordinance 531 of the Mayor and Council of the City of Benson, Arizona, amending the Benson City Code, Chapter 4, "Public Safety", Articles 4-3, "Fire Department," and 4-4,**

“Emergency Services;” Repealing all Resolutions, Ordinances, and rules of the City of Benson in conflict therewith; establishing penalties and declaring an emergency

Mayor Fenn stated this ordinance would amend the City Code to adopt the changes discussed with Chief Spangler and would be in effect immediately. Councilmember Lodzinski moved to approve Ordinance 531, declaring an emergency. Seconded by Councilmember Lambert. Motion passed 4-0 with Vice Mayor King abstaining.

7. **Resolution 20-2009 of the Mayor and Council of the City of Benson, Arizona, authorizing Cochise County to proceed with Construction Improvements on Cooperative Way under the Intergovernmental Agreement in an amount not to exceed \$65,670.00**

Public Works Director Brad Hamilton addressed Council showing a map of the proposed project location, which is where Jennella meets the road to the college, Quail Ridge, Cooperative Way and South Red Chile Road, creating a dangerous 5 point intersection. Mr. Hamilton stated discussions had been started with the County approximately 18 months ago and that a large portion of the project lied within the County. Mr. Hamilton stated the County’s plans are to adjust Quail Ridge and South Red Chile creating a 3-way stop at the intersection. Mr. Hamilton stated the County had committed to completing the project up to Cooperative Way re-entering the City limits. Mr. Hamilton then stated the City’s portion of the project would be extending the pavement from the City limits to the County’s portion of Cooperative Way, which would be mostly chip seal with the exception of an at grade crossing with concrete head walls installed on both sides with asphalt and then chip seal covering it making a structure to assist with the wash and the flows during the monsoon seasons. Councilmember Lambert asked Mr. Hamilton about a culvert option stating he was concerned about the cost of repairs each year. Mr. Hamilton stated to add culverts and bring the grade up, it would add a lot of money to the project, and that the head walls should keep the water from getting underneath the asphalt and chip seal and that the maintenance should be the minor build up of sand on the road, which should be less of a problem. Mr. Hamilton also stated with the upcoming construction of the interchange of Highway 90 and Interstate 10, this also gives another access to Benson for police, fire and the public to access Highway 90. Vice Mayor King asked about if this project was in the current fiscal year budget, with Finance Director Jim Cox stating the Capital Improvement Projects included \$50,000 specifically to address this project and \$385,000 to address general pavement management. Mr. Cox stated the construction sales tax for Capital Improvement Projects has approximately \$525,000 that has not been expended. Mayor Fenn asked if adjacent property owners had been contacted for any participation in this project with Mr. Hamilton indicating they had not. Councilmember Lodzinski moved to approve Resolution 20-2009. Seconded by Councilmember Lambert. Motion passed 3-2 with Mayor Fenn and Councilmember Sacco voting nay.

8. **Resolution 21-2009 of the Mayor and Council of the City of Benson, Arizona, approving and authorizing the execution of an Intergovernmental Agreement between the City of Benson and Cochise County, Arizona, regarding the parties’ rights and responsibilities as employers and their compliance with Workers’ Compensation statutes in their joint/intergovernmental Activities**

Interim City Manager Glenn Nichols addressed Council stating the City had entered into an Intergovernmental Agreement (IGA) with the County in 2005 and that this resolution would update the agreement to be more specific in each entity’s responsibilities are when operating under the IGA. Vice Mayor King moved to approve Resolution 21-2009. Seconded by Councilmember Sacco. Motion passed 5-0.

CITY MANAGER REPORT:

Interim City Manager Glenn Nichols addressed Council with upcoming meetings:

- March 10, 2009 – Arts Commission, 2:00 p.m., City Hall
- Library Board, 4:00 p.m., City Library
- March 21, 2009 – Historic Preservation Commission, 9:00 a.m., City Hall
- March 23, 2009 – Council Worksession, 6:00 p.m., City Hall

Mr. Nichols then informed Council with upcoming events:

- March 10, 2009 – Primary Election
- March 14, 2009 – Free Dump Day, 7:00 a.m. to 3:00 p.m.
- March 17, 2009 – American Crown Circus, Lion's Park, 6:00 p.m. & 8:00 p.m.
- March 24, 2009 – Community Water Alliance Meeting 6:30 p.m., City Hall

COUNCIL DIRECTIVES:

None.

DEPARTMENT REPORTS:

None.

ADJOURNMENT:

Vice Mayor King moved to adjourn at 7:56 p.m... Seconded by Councilmember Sacco. Motion passed 5-0.

Mark M. Fenn, Mayor

ATTEST:

Vicki L. Vivian, City Clerk