

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD AUGUST 24, 2015 AT 7:00 P.M.  
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

**CALL TO ORDER:**

Mayor King called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Mayor King then introduced Sarah Isakson of St. Raphael in the Valley church who offered the invocation.

**ROLL CALL:**

Present were: Mayor Toney D. King, Sr., Vice Mayor Lori McGoffin, Councilmembers Pat Boyle, Jeff Cook, Joe Konrad, David Lambert and Chris Moncada.

**EMPLOYEE RECOGNITION:** None

**PROCLAMATION:**

Mayor King read a proclamation of the Mayor and Council declaring the Month of September "Grandfamily/Kinship Care Month."

**PUBLIC HEARING:** None

**CALL TO THE PUBLIC:**

Mike Reinbold of El Dorado Holdings stated he would like to share an article in the Washington Post regarding a study that was conducted by the USDA Economic Research Service. Mr. Reinbold stated the study addressed a ranking system of all counties in the U.S. based on scenery, climate, physical characteristics and natural amenities that make a county a desirable place to live. Mr. Reinbold then stated while it is known locally, he was happy to report that the country now knows Cochise County falls in the top 1%, adding when he discusses marketing and where the marketing comes from, people can see that this study reinforces that this is a desirable place to live.

Stephen Insalaco, Pinto Place, J6 Ranch, addressed Council concerning the Benson Municipal Airport, stating he had spoken with Jason Musselman with Armstrong Consulting on August 14 and August 21 concerning future airport projects and learned a new helipad rotating beacon was approved for 2015 and the enhanced airport security fence design and construction was approved for 2016, access road improvements were approved for 2017 and a project involving 2 taxi lanes surrounding a new hangar pad was approved for the 2017-2018 timeframe. Mr. Insalaco stated he was excited about these projects, adding he also learned that the master plan is scheduled to be revised in conjunction with an airport-wide drainage study in the 2020 timeframe and there are 3 things he would like to share about this idea. Mr. Insalaco then stated the consultant agency offers the master plan with the assistance of community inputs, adding the FAA approves the airport layout plan and airport usage portions of the master plan and the final master plan is then approved by the Council. Mr. Insalaco stated while the 2007 master plan was approved and illustrates runway extensions, the actual funding by FAA AIP grant funds has not yet been approved, adding that implies that a runway extension is unlikely because of FAA funding shortages, but nonetheless, the City should stay on course with this idea, adding the runway and additional hangar space are the two most critical pathways to economic growth and development at the airport. Mr. Insalaco then stated a continuous strain of letters to AOPA and Congresswoman McSally's office would help in the runway endeavor and urged Council to submit their letters as well. Mr. Insalaco then stated any hangar projects by whoever will not jeopardize future AIP funding of a runway extension or other FAA funded airport projects, adding additional hangar development will help with FAA funding because additional t-shades and hangar space brings additional based aircraft to airport, which demonstrates a greater need for FAA AIP grant funded projects. Mr. Insalaco then stated he would like to stress and amplify the idea of the City finding a way to build additional hangars either on their own or by the private sector. Mr. Insalaco then stated he found it comfortable talking with Armstrong Consulting representatives and the Council made a good choice in selecting Armstrong.

Dave Thompson, La Cuesta Drive, Benson stated he was listening to the BEDC Chairman Mike Berryhill discuss the SCA (Society for Creative Anachronism) event and decided to look up the organization, adding he learned the SCA creates a time other than the present and chose medieval times, holding an event in Sonoita. Mr. Thompson stated he went to see the event, adding the people who participate in the event are very serious and are professionals, such as businessmen and engineers. Mr. Thompson stated he expected the event to be like a renaissance fair, but it wasn't, adding the event is very serious and has been going on since 1966 worldwide. Mr. Thompson stated the event has knights and apprenticeship programs, and people can see from the pictures he took, (and passed around the Council) that the participants invest a lot of their own money in realism, adding when he walked onto the field, it was like stepping back into medieval times. Mr. Thompson then stated the event consists of amazing battles with everyone in costumes and it was interesting and a lot of fun. Mr. Thompson stated the Council and the BEDC recently talked about bringing the event to Benson and he thinks it would be fabulous to do so, adding the event is a nice upscale function, the SCA leaves the area for the event cleaner than they found it and they have a good system of policing the event. Mr. Thompson again stated the event was a lot of fun and was a good experience.

### **CITY MANAGER REPORT:**

City Manager William Stephens addressed Council, giving the dates of upcoming meetings and events.

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| Tuesday, September 1, 2015    | – Planning & Zoning Commission Meeting, 7:00 p.m., City Hall  |
| Tuesday, September 8, 2015    | – Library Advisory Board, 4:00 p.m., City Library             |
| Wednesday, September 9, 2015  | – Benson Economic Development Committee, 6:00 p.m., City Hall |
| Monday, September 14, 2015    | – City Council Meeting, 7:00 p.m., City Hall                  |
| Wednesday, September 16, 2015 | – Community Watershed Alliance, 6:30 p.m., City Hall          |
| Monday, September 7, 2015     | – Labor Day Holiday – City Offices Closed                     |

Mr. Stephens then stated for more events in Benson, the public could visit the City's website: [www.cityofbenson.com](http://www.cityofbenson.com) under "What to do Today."

### **NEW BUSINESS:**

#### **1. Discussion and possible action on the Consent Agenda**

- 1a. Minutes of the July 27, 2015 Regular Meeting
- 1b. Appointment of Thomas Swindle to the Benson Economic Development Committee
- 1c. Invoices processed for the period from July 31, 2015 through August 13, 2015

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

#### **2. Discussion and possible direction to Staff and/or the Benson Economic Development Committee (BEDC) about the BEDC's efforts to assist in having scoreboards purchased and installed at Lions Park**

City Manager William Stephens stated the BEDC is seeking permission from Council to pursue efforts to assist in having scoreboards purchased and installed at Lions Park and he believes they will solicit sponsorships to do so. Mr. Stephens then stated the BEDC Chairman, Mike Berryhill was present to provide additional information. Councilmember Boyle stated he understood there were already people who were willing to donate and were looking for an avenue to do so. BEDC member Mindi Flores addressed Council informing them that there were some sponsors who had pledged money, but the BEDC needed approval from Council to move forward. Councilmember Konrad asked if the BEDC had an idea of the pledged amount and the amount needed for the scoreboards with Ms. Flores stating no solicitations have been done, but there was about \$600 pledged through word of mouth, adding people are excited about the project. Mayor King stated he has spoken to a lot of people at the park and they would love to see scoreboards. Councilmember Lambert stated he knew the BEDC has been looking at getting grants and he wanted to make it clear that all grants have to go through Staff and have to be approved by Council before they are submitted, again stating he wanted that to be clear. Vice Mayor McGoffin

asked what kind of scoreboards the BEDC was looking at and if they were electronic with Ms. Flores stating the BEDC would be talking to the different organizations that use the fields to see what they would like, but have looked at different types and sizes with LED lights, adding they are even looking into solar powered scoreboards. Vice Mayor McGoffin then stated a recent softball tournament was held with 14 teams and they are looking at having another tournament in October, adding scoreboards would be a great addition and thanked the BEDC for their efforts. Councilmember Cook stated he thought the scoreboards were a good idea and that seeking donations and grants was another good idea. Councilmember Cook then stated he thought the Council and the BEDC would like to see the cost covered as much as possible with Ms. Flores agreeing. Ms. Flores then stated no money would be needed from the City, adding the BEDC will get all donations; whether monetary or in the form of someone's time, expertise and their labor.

Councilmember Boyle moved to allow the BEDC to go ahead and take whatever steps are necessary to form a way to collect the donations and keep it in a separate account; to direct the City Staff to set up an account to do this and to let the Mayor know. BEDC Chairman Mike Berryhill stated the BEDC needed permission to continue working on the project with Ms. Flores stating the BEDC was going to talk to the Little League to see what kinds of funds they have set aside and if they have an account to put the donations in. Mayor King stated the Council might want to hear from the City Attorney to make sure the Council is following proper protocol, adding he didn't want the Council to get into a situation with some loophole that creates problems. City Attorney Gary Cohen then stated the Council may want to consider a motion along the lines of directing the BEDC to continue their efforts and work with City Staff towards having scoreboards purchased and installed at Lions Park. Councilmember Boyle then moved such. Seconded by Vice Mayor McGoffin. Motion passed 7-0.

3. **Discussion and possible action regarding the authorization to repair the engine on Apparatus Engine 71**

Fire Chief Keith Spangler stated Engine 71 was responding to emergency call when the engine lost power, adding when the driver pulled over he could see white smoke coming from the exhaust and antifreeze leaking. Chief Spangler then stated Engine 71 was towed to a local shop where they informed him that it would be better to have the repair done elsewhere. Chief Spangler then stated the truck was then towed to WWW Williams in Tucson, a Detroit dealer, who gave the City a quote for the repair. Councilmember Moncada asked about the life of the engine with Chief Spangler stating most last about 10 years, but with scheduled maintenance, it would probably extend the life of the apparatus another 10-20 years. City Manager William Stephens then added that this engine was no longer manufactured and stated the City could buy a rebuilt engine for approximately \$40,000, have the engine rebuilt for approximately \$21,000 or could buy a brand new truck at the cost of approximately \$800,000-\$1,000,000. Councilmember Moncada then asked where the funding would come from in the budget with Finance Director Dustin DeSpain stating the Fire Department has a line item in the budget of \$30,000 for repairs and equipment and hopefully, there wouldn't be any other events like this throughout this fiscal year. Councilmember Konrad asked if the cause of the failure was known with Chief Spangler stating the sleeve in the engine failed and it was only a matter of time before it did so. Mayor King noted the life of the engine was usually 10 years, but the City has had it for 24 years. Councilmember Cook asked how many trucks the Fire Department had that were similar to Engine 71 with Chief Spangler stating Engine 71 has a 1,500 gpm pump and the other similar truck similar is a 1973 truck, called the "ladder company." Chief Spangler then stated the 2008 NFPA standard is to have a 3,000 gpm pump, which would require the Fire Department using the ladder company and an additional truck. Chief Spangler then stated if the ladder company went out of service, the Fire Department would not have the required equipment to respond to a call and would need to rely on coverage from other Fire Departments, which is what is done when the ladder company is out on service. Councilmember Cook then spoke about the ISO rating, stating he believes the ISO rating is a number that insurance companies give to cities so they can insure residences and businesses in the city and that rating basically determines the costs of insurance with Chief Spangler stating that was correct. Councilmember Moncada then moved to approve the authorization to repair the engine on Apparatus Engine 71. Seconded by Vice Mayor McGoffin. Motion passed 7-0.

4. **Discussion and possible action regarding the Intergovernmental Agreement with Cochise County relating to Planning and Zoning, Subdivision Development and Long Range Planning Services**

Public Works Director Brad Hamilton stated this is an Intergovernmental Agreement (IGA) with Cochise County for help with services, adding he has been working with the county more through IGAs to reduce costs.

Councilmember Cook stated this item looked similar to the next agenda item and asked if the Council was looking at approving both agreements with Mr. Hamilton stating the contract being considered under this item was for subdivision plans, plan review and other Planning & Zoning items and the next agreement was for construction plans and inspections. City Manager William Stephens stated the City currently contracts out these services with Brown & Associates, adding these agreements will replace Brown & Associates and will reduce costs. Councilmember Konrad then asked if the City would still be able to utilize the contract with Brown & Associates and call on them as needed, noting sometimes expediency comes into play with Mr. Stephens confirming the City could. Vice Mayor McGoffin then moved to approve the Intergovernmental Agreement with Cochise County relating to Planning and Zoning, Subdivision Development and Long Range Planning Services. Seconded by Councilmember Lambert. Motion passed 7-0.

5. **Discussion and possible action regarding the Intergovernmental Agreement with Cochise County relating to Building Code Inspection and Plan Review**

Public Works Director Brad Hamilton stated this agreement was for services related to building code inspections and building plan review, then noted the County has adopted the 2012 building codes and to fully utilize this contract, the City will also have to adopt the 2012 codes. Vice Mayor McGoffin asked if those codes would come back to the Council later with Mr. Hamilton stating they would. Councilmember Konrad asked if it would be an error to approve this agreement before the Council considered the 2012 building codes with Mr. Hamilton stating the County could still do regular building inspections. Vice Mayor McGoffin asked what building codes the City uses with Mr. Hamilton stating the City uses the 2006 building codes, which were the last building codes adopted. Councilmember Cook asked about the workers' compensation clause with City Attorney Gary Cohen stating in the unlikely event something were to happen, the City and the County would negotiate as to which workers' compensation policy would apply or if it would be split between the two depending on the facts of the particular incident. Councilmember Moncada moved to approve the Intergovernmental Agreement with Cochise County relating to Building Code Inspection and Plan Review. Seconded by Vice Mayor McGoffin. Motion passed 7-0.

6. **Discussion and possible direction to Staff regarding the re-negotiation of the Whetstone Annexation Development Agreement approved on November 1, 1993**

Mayor King asked if the Council needed to have an executive session regarding this item with City Attorney Gary Cohen stating he didn't think the Council could enter into an executive session regarding the item, but they could enter into an executive session only for general legal advice if the Council desired. Mayor King then opened the item for discussion. Councilmember Cook spoke about the 2006 addendum to the 1993 agreement stating the addendum read that it superseded all previous agreements and the agenda read that the Council would be discussing the 1993 agreement. Councilmember Cook then asked if the Council should be addressing the addendum instead and if they would be able to make a motion regarding the addendum since it's not on the agenda. City Attorney Gary Cohen stated if the Council were to make a motion of any type, it would have to be for the item on the agenda; however, he wasn't sure any motion needed to be made. Mr. Cohen then stated the Council could always direct the City Manager and the City Attorney to meet with El Dorado Holdings about renegotiating the development agreement that's in effect, adding he has already been contacted by counsel for El Dorado to make that happen, noting Mr. Reinbold of El Dorado is present and confirming this with nodding. Mr. Cohen then stated it's just a matter of making it happen when El Dorado is available to do so, adding on the Attorney's end, they have been waiting. City Manager William Stephens stated Mr. Reinbold is waiting to answer questions Council may have. Mr. Stephens then stated it may not be a re-negotiation, noting there are a number of items within the particular agreement that won't apply due to laws that have changed. Councilmember Cook then stated there were several things in the agreement that caught his attention that are either outdated or will not work well with a Community Facilities District (CFD), adding he was also speaking with Planning Technician Michelle Johnson who pointed out some other things that need to be redone. Councilmember Cook then asked Mr. Reinbold if he had talked to Ms. Johnson about that with Mr. Reinbold stating there have been discussions about reworking the development agreement and they would like to do so, adding they are working toward that goal and would like to have it done by the end of the year. Mayor King asked if there was a timeline for this with Mr. Stephens stating there was no timeline, but he believes an agreement of this type should be in place prior to forming the CFD. Mr. Reinbold stated there are a number of issues that are in process and his goal would be to incorporate those things as they are created so the end product is a final development agreement that encompasses everything, whether it's public finance or whatever agreements they have on infrastructure, zoning

and the Community Master Plan. Mr. Reinbold then stated his goal would be to suggest that it is completed before the end of the year because he hopes most of the things El Dorado is currently endeavoring would be completed by then, adding they would start a parallel process on the development agreement to incorporate those things. Mayor King then stated this is something that Staff and El Dorado can get together and go from there with Mr. Cohen stating the City Attorneys are ready, willing and able to jump on this as soon as they get the word from El Dorado, adding this has been talked about for a while and he knows El Dorado has been busy with other issues, but again, he and City Attorney Paul Loucks are ready whenever El Dorado is ready and calls them. Councilmember Moncada stated he felt this should be done sooner rather than later with Mayor King agreeing. Mr. Reinbold stated his goal is to march all the things El Dorado has going as fast as he can, adding they have started on the process, but don't have a document yet ready to submit to the City's law firm, adding they are working in that direction and it's high on their priority list. Mr. Reinbold then stated it does encompass everything El Dorado is doing and his goal is to have everything El Dorado is doing in terms of processes, completed by the end of the year so El Dorado can move into engineering and final planning. Mayor King stated his expectation is to get started on this, adding he knows it may take some time, but he would like to get it started, noting he doesn't want anyone saying that the Council is dragging their feet on this. Mayor King then stated his expectation is for the City to put their all into this and he expects El Dorado to do the same with Mr. Reinbold stating El Dorado is. Councilmember Cook then stated he understood that any of the costs incurred by this development, including billable hours for City Staff with Planning & Zoning, probably Planning Technician Michelle Johnson, maybe an engineering consultant and certainly the City Attorneys as well as possible others would be covered through the \$25,000 El Dorado presented to the City to cover expenses. Councilmember Cook then asked Mr. Cohen if that was correct with Mr. Cohen stating he had no reason to believe that El Dorado would not comply with the agreement that was approved, but he wanted to clarify that his recollection was the agreement was to pay for the City Attorneys' costs as they are related to the CFD and not every single thing. Councilmember Moncada then agreed, stating the agreement was not to pay for City employees, but was to pay for Attorney fees with Vice Mayor McGoffin also agreeing, stating the agreement was for Attorney fees related to the CFD only, adding the development agreement is on the City. Mr. Cohen then stated if the City is going to incorporate the development agreement and the CFD into the same agreement, there could be issues in that regard, but the City Attorneys will do their best to try and separate them and work in good faith to make sure things that are supposed to be covered by El Dorado get paid for per the agreement and the things they are not supposed to pay for will not be billed to them. Mr. Cohen then stated his interpretation of this agenda item is that the Mayor and Council wanted to be apprised of what is going on and he thinks the direction from the Council is clear, adding he can see Mr. Reinbold agrees. Mr. Cohen then stated his suggestion was to table this item. Mayor King asked if the Council should table the item or give direction with Mr. Cohen stating the Council could move to direct him to reach out to Mr. Reinbold as soon as possible, adding he would be happy to do it tomorrow. Mayor King then agreed the direction from the Council was to have the City Attorney, City Manager and Staff move forward with the renegotiation of the Whetstone Annexation Development Agreement.

**DEPARTMENT REPORTS:** No comments from Council.

**ADJOURNMENT:**

Vice Mayor McGoffin moved to adjourn at 7:47 p.m. Seconded by Councilmember Moncada. Motion passed 7-0.

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Toney D. King, Sr., Mayor

ATTEST:

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Vicki L. Vivian, CMC, City Clerk