

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD AUGUST 8, 2011 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 Fenn then introduced Pastor Kirk Sorenson of the Assembly of God who gave the invocation.

ROLL CALL:

Present were: Mayor Toney D. King, Sr., Councilmembers Ron Brooks, David Lambert, Nick Maldonado, Chris Moncada and Al Sacco. Excused was: Vice Mayor Lori McGoffin.

EMPLOYEE RECOGNITION: Mayor King recognized Al Carruthers and Rolando Carrillo for each having 15 years of service with the City of Benson.

PROCLAMATION: None.

PUBLIC HEARING: None.

CALL TO THE PUBLIC:

John Kelly of the AYSO Soccer League, addressed Council with a counter proposal for the cost of park lights they are being charged. Mr. Kelly then handed out the counter-proposal to Council, adding he is looking for the proposed charge to be modified or done away with because the youth league can't afford to pay the proposed charge. Mr. Kelly's proposal is incorporated into the minutes.

Lindsay Arnold, co-Chair for Benson Relay for Life Cancer Awareness Trek gave an update on the upcoming relay event stating they had teamed up with the American Cancer Society and due to this partnership, would be holding a relay for life instead of a cancer walk, adding the main difference is the relay focuses more on the team events instead of the individual. Ms. Arnold stated the teams will be from 8 to 15 people with 1 person from each team walking the track the entire time, adding the idea behind the relay is that cancer never sleeps. Ms. Arnold then stated the American Cancer Society will be sending them to a free summit in Tempe, AZ in September, training them so they can put on a very successful relay and due to these changes, the event has been pushed back to April 21. Ms. Arnold then stated they are trying to fill some committee chairs and if anyone is interested or would like to help out, they need all the volunteers they can get, adding more information could be found on their facebook page: Benson Relay for Life. Ms. Arnold then thanked the Council for their time.

Paul Lotsof, CAVE FM, addressed Council stating one of the claims of the Republican Party is that former House Speaker Nancy Pelosi urged her fellow members of Congress to pass President Obama's massive healthcare law first and then figure out what it means at a later date, adding it brings to mind some of the actions taken by the Benson City Council over the years. Mr. Lotsof stated he has seen countless occasions where Staff recommended some form of action and 7 councilmembers approved it, but at a later date, victims came forward and the Council then found the drawbacks of what they passed. Mr. Lotsof then suggested before passing the revamped City Code, the Council find out exactly what it means and also make sure that all members of the public, who might be interested, find out what's being proposed and how they might be impacted. Mr. Lotsof then spoke regarding the fireworks, suggesting the City not provide fireworks during Butterfield Stage Days, but save them for the next 4th of July celebration, adding the most important attribute of the fireworks is the enormous price tag which is well over \$10,000 to put colored lights in the sky for about 30 minutes. Mr. Lotsof then stated the public expects this on Independence Day, but to spend that kind of money on Butterfield is hard to justify. Mr. Lotsof then spoke about the Planning & Zoning Commission and the efforts to get people to serve on that very important body. Mr. Lotsof stated

the thinking seemed to be that all you have to do is place a display ad in the local newspaper and if no one responds, no one is interested, but times are changing and a lot of people don't read the printed version of the newspaper. Mr. Lotsof then stated members of the Planning & Zoning Commission work for free and the City might get higher quality people, if they were paid at least a token amount of money for their time. Mr. Lotsof then stated there had been some discussion about the credentials the people on the Planning & Zoning Commission should meet and of it seemed of high importance they lived inside the City limits. Mr. Lotsof then stated his personal opinion is if the City had its choice between someone who lived in the City limits who is less qualified and someone who lived a few miles outside the City limits who is much more qualified, he would go with the person who lived outside the City limits. Mr. Lotsof then thanked the Council for their time.

Dianne Tipton addressed the Council concerning the consolidation of the Planning Department and the Building Department. Ms. Tipton's comments are incorporated into the minutes. Ms. Tipton then added to her written statement saying Section 18 of the Planning & Zoning Code was totally ignored, contested, and re-interpreted in order to bring issues against Stagecoach Trails. Ms. Tipton then stated there is no assurance to protect anyone's grandfathered rights. Ms. Tipton then stated she looked at all the complaints and they were all for 10" tall weeds or someone's truck or car sitting in their driveway that didn't have a license or had a flat tire, adding safety issues are not addressed in this town; they are allowed to continue, while vendettas are being pursued, and it would be a mess to try and combined Planning & Zoning with the Building Department. Ms. Tipton then thanked the Council for their time.

Stephen Insalaco addressed Council concerning an Airport Advisory Board. Mr. Insalaco's comments are incorporated into the minutes. Councilmember Brooks asked the matter to be placed on a future agenda.

CITY MANAGER REPORT:

Public Works Director Brad Hamilton then addressed Council, giving the dates of upcoming meetings and events.

- August 9, 2011 – Library Advisory Board, 4:00 p.m., Library
- August 16, 2011 – Relay for Life Meeting, 5:15 p.m., Community Center
- August 20, 2011 – Historic Preservation Commission, 9:00 a.m., City Hall
- August 22, 2011 – City Council Public Hearing, 7:00 p.m., City Hall
City Council Meeting, 7:00 p.m., City Hall
- August 23, 2011 – Community Watershed Alliance, 6:30 p.m., City Hall
- August 26, 2011 – Movie in the Park, beginning at dusk, Lions Park
- August 27, 2011 – San Pedro Off-Road Association Mud Bogs, 1:00 p.m. – 5:00 p.m., Arena Bar

Arizona Department of Transportation I-10/State Route 90 Traffic Interchange Project Road Closures – Mr. Hamilton gave the dates the lanes of I-10 would be closed and what the detour would be. More information is available at www.azdot.gov.

NEW BUSINESS:

1. Consent Agenda

- 1a. Minutes of the July 25, 2011 Worksession
- 1b. Minutes of the June 27, 2011 Regular Meeting
- 1c. Appointment of Nick Romine to the Benson Firefighters' Pension & Relief Fund Board
- 1d. Appointment of Luis Garcia to the Benson Firefighters' Pension & Relief Fund Board
- 1e. Invoices processed for the period from July 19, 2011 through July 31, 2011

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

2. **Recognition of the first Graduating Class of the City of Benson Fire Department's Fire Explorer Academy**

Fire Chief Keith Spangler introduced Anthony Kugler, the advisor for the Explorers, who addressed Council. Mr. Kugler thanked the Council not only for the opportunity to recognize the Explorers for their accomplishments, but for allowing the partnership between the City and the Benson Fire Department with the Explorers' program. Mr. Kugler then gave a presentation on the Fire Explorer Academy stating the program is a partnership with the Boy Scouts of America, creating a charter with organizations of law enforcement, fire service and EMS service designed for young men and women ages 15-21 that have graduated 8th grade. Mr. Kugler then stated this allows the youth to explore a career field by putting them into that role and allowing them to explore and choose whether or not it's the right career for them. Mr. Kugler then stated he participated in this great program as a youth and was excited to bring it to the Fire Chief and Council. Mr. Kugler then stated the Explorers attended a Fire Service Explorer Academy, which is essentially, an abbreviated academy that normal fire fighters go through, lasting 6 weekends. Mr. Kugler then stated the Explorers meet twice a month, plan their own training for one of those nights and will attend competitions, competing against other fire departments throughout the state as well as nationally, if they choose. Mr. Kugler then gave a video presentation encompassing the weeks of the academy and then stated the Explorers did everything themselves with the fire fighters there as safety advisors, adding the Explorers did a great job and graduated on July 16th. Mr. Kugler then asked the Explorers from the Benson Fire Department Post 71 to please come forward. Mayor King thanked the Fire Department and the Explorers, stating he had the opportunity to attend their graduation and saw the work and dedication, adding it was appreciated. Mayor King then presented certificates of recognition to the graduating class of the City of Benson Fire Department's Fire Explorer Academy. They were Kyle Harmon, Anthony Kugler, Michael McMillan, Colton Parkinson and Brandon Spangler.

3. **Resolution 52-2011 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 a the Arena Bar**

Councilmember Lambert stated the application was due to a change of ownership and then moved to approve Resolution 52-2011. Seconded by Councilmember Sacco. Motion passed 6-0.

DEPARTMENT REPORTS: None

ADJOURNMENT:

Councilmember Lambert moved to adjourn at 7:49 p.m. Seconded by Councilmember Sacco. Motion passed 6-0.

Toney D. King, Sr., Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk

AYSO 1132 SOCCER LIGHT COUNTER PROPOSAL.

Season Start Date Sept 12th (if fields are ready)

Season End Date Dec. 17th (if fields are ready by Sept. 12th)

To be honest I don't think YOUTH sports should be charged any of the light or field fees!!

AYSO is a NON-PROFIT Organization, We only charge \$45 per player. For Families that have more than one child their fee drops to \$35 per additional player. To break that down \$15 dollars per player goes to cover the Liability Insurance and Soccer Accident Insurance that is provided to each player. (many of our Benson & surrounding families have 2-3 kids playing Soccer)

So I would like the City Council to either do away with these fees or APPROVE my proposal that will be more affordable not only for our League but for all other YOUTH leagues.

We (the children) have to raise extra money by doing fundraisers!! Those are hit or miss pending on the economy!!! Same as our DONATIONS. This year so far only 4 donations @\$150 each is \$600 to Date!

So I propose: Since I'm sure the City has a monthly light bill just like you and me I would like a MONTHLY light bill from the City of Benson So I can Pay what we use @ 50% instead of the 60% you are currently asking for on a monthly BASIS.

NOT the usage from last year during our Season. DUE to the FACT the youth football teams practiced on our fields (they were not charged per the power point) There are also so many Keys to the lights at the fields that residents of Benson have and use the fields and light when-ever they. CHANGE the LOCKS on the lights.

Good Evening Mayor and Council

My name is Dianne Tipton and I live in Benson and what goes on here is a concern to me I wish to address the council and staff on this issue before you go forward.

As you know, recently there was an ordinance that was overturned in regards to your 1997 planning and zoning code. Even though the code has been overturned it appears that the city is still trying to invoke the code and has left it in place on line at the city website as an existing code which is very deceiving to the public and others and is probably in contempt of court. The overturning of the code is not being appealed.

Different than some may allow you to think it was not just section 16 that was overturned but the entire Ordinance 398. The overturning of Ordinance 398 is what voided section 16. Therefore before this councilor anyone else spends a lot of time trying to revamp or rewrite existing codes, I suggest you make sure which codes the city really still has in existence. Before you move forward, you will need to remove everything that is affected by Ordinance 398 from existing P&Z codes. That would include removing anything that Ordinance 398 set in place and or that it amended in any way and put back anything that 398 amended by deleting it. I think that you will discover that this will put a whole new face on what you are trying to do. In regards to combining the P&Z and Building Depts.

The Planning dept exists separately because it deals with subjects and issues completely different from the Building dept. They should remain separate. Trying to make the two one is like mixing oil and water and is asking for confusion, trouble and more law suits concerning private property and civil rights. Don't make more problems and a bigger mess for Benson and its tax payers by convoluting the purpose and wisdom of keeping these two dept separate. This would be a foolish move. Think LONG and HARD before deciding what to do.

You might want to consider getting an outside opinion from a reputable attorney.

It is time for this council to question the motives, qualifications the usefulness and the leadership and advice and recommendations of the City attorney Michael Massey and the City Manager Glen Nichols. Close to \$600,000.00 has been spent so far and it is going up day by day. at the direction of some former and current council members, Mr. Masee and Glenn Nichols and other staff members all to prevent a mobile home from being moved into a mobile home Park. You MUST ASK WHY?

Mr. Masee filed and lost 22 motions and eventually the entire suit. But Mr. Masee still wants to appeal. Do you all realize that Interest is being tallied by the courts everyday that the

attorneys fees of \$225,000.00 plus go unpaid to Mr. Kendrick? Where is the wisdom in that? Where is the protection from such things promised to us by your oaths?

Now a civil Rights suit has been filed against certain individuals personally including your City Attorney Michael Masee and the City of Benson, for violating Mr. Kendrick's civil rights. This is a very serious matter. This will be heard in Federal Court. Will this Mayor and council continue to support the behavior of these men as most of your predecessors did and throw away hard earned taxpayers dollars? The responsibility for what happens next lays on your shoulders and no one else's.

Thank You for your time.

08 August 2011

**Call to Public Address,
Regular Meeting of the City Council,
City of Benson Arizona**

Stephen Insalaco
3280 West Pinto Place,
J-Six Ranch

Honorable Mayor, and Council Members;

I would like to address you this evening concerning my application to the Benson Airport Advisory Board.

As an area resident and in being a hangar tenant of the Benson Municipal Airport, it continues to surprise me how many people, do not know that Benson is the sponsor of a municipal airport. I continuously run into local area residents that don't know where the airport is, still think that the airport is on Airport Drive, or believe that the airport is still serviced by a dirt runway. Many have no awareness of the many businesses on the airport property. In addition, during my conversations with these individuals, it becomes quite apparent that many of them do not understand the value for having a community airport, or a perception of valuable services that an airport like this provides the local community and region. I believe that current local perceptions about the airport are due largely to lack of promoting the airport within the community.

Having said that, I wish to approach you concerning revitalizing the Benson Airport Advisory Board. I vision a persistent advisory body of 3 to 5 volunteers from the local and regional area, members of the aviation community in combination with municipal leaders, who shall promote the airport, provide counsel to municipal government on all matters of airport design and construction, air and land side infrastructure, and matters of airport management, security, development, economic growth, and community outreach. And above else, to promote the role of the airport within the local community.

I would like to serve on this advisory body, and while counseling city government on airport matters, I believe that it is important to enhance and/or change community perceptions about the airport. In particular, I think that it is important to rethink the airport not as a municipal asset, but rather as a regional asset. I would even like to see the name of the airport changed to "Benson Regional Airport." The FAA is not going to sponsor more AIP grant funds for another airport in Mescal, St. David, or Pomerene

folks; we're it. Therefore, I would encourage you *not* to limit membership on said advisory board to municipal residents only, as that would be a tragic limitation of both talent and service to the community.

I would also like to see an airport economic plan developed, and put into place by this advisory body, one that marries well with the current airport master plan, one that should address the limitations of the airport businesses, and one that would migrate airport operations towards black ink in a faster style. For example, the most important things that we can do for this airport today, include the reconstitution of the main runway to its original 4000-foot length, followed by extension to 6800-feet; the implementation of above-ground fueling service, the construction of additional hangars and T-shades, and rescue of Aviation Drive. The worst thing that we could do would be to delegate our next AIP grant funds to security fencing, or engineering services for the same.

I look forward to working with each of you on airport matters in the future, and in promoting the airport. Attached to my hardcopy of this address, I have left the city clerk my application to the Airport Advisory Board. I therefore wish to leave each of you on the council, with the idea of championing an agenda item for the resurrection of the airport advisory board, in a near-term regular meeting of the city counsel.

Thank you for your attention.