

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD AUGUST 8, 2016 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 7:01 p.m. with the Pledge of Allegiance. Mayor King then introduced Mike, a representative of the New Life Family Worship Center, who offered the invocation.

ROLL CALL:

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

EMPLOYEE RECOGNITION: None

PROCLAMATION:

Mayor King read a proclamation of the Mayor and Council declaring the month of August, 2016 as “Child Support Awareness Month.”

PUBLIC HEARING: None

CALL TO THE PUBLIC:

Mahlon McKenzie N. Mescal Road, Benson, stated he was recently asked to be the President of the Chamber of Commerce and spoke about the Chamber’s intention of working favorably with businesses to improve the business environment in the City to ensure old Benson will thrive and do well as the new Benson area takes off. Mr. McKenzie said any political action that might come out of their organization would be strictly to try and preserve and protect people’s interest in downtown. Mr. McKenzie then asked the Council to let him know if they hear anything different and that the Board wants the Council to be confident the Chamber will be working favorably with the City and the businesses to improve that environment.

Stephen Insalaco, W. Pinto Place, J6 spoke about airport hangar inspections and asked that Chapter 19 of the City Code have language added to the primary purpose of supporting general aviation usage to allow storing, repairing, maintaining, refurbishing or constructing aircrafts in the hangars and that excess floor space in the hangars can serve the secondary needs of the tenant if the primary purpose is being met, there is easy access to the aircraft and the aircraft can be removed and returned to the hangar unobstructed. Mr. Insalaco then stated he had provided a proposed hangar inspection checklist to the Council and City Staff and he would like for the airport community members to be able to participate in the creation of the inspection criteria and checklist, adding he feels the participation would provide the greatest buy-in of those members. Mr. Insalaco then expressed that he feels hangar inspections are a good idea and if everyone works together on the process, there would be a positive return on the investment.

Dave Thompson, E. La Cuesta Drive, Benson, stated there has been so much talk about The Villages at Vigneto this past year with many fabrications and downright lies that he had to address them. Mr. Thompson then spoke about the media comments and editorials about night sky pollution, bulldozers in washes destroying and changing the land and causing major flooding being addressed in the CMP (Community Master Plan). Mr. Thompson said people are concerned about ruining the riparian area and taking water away from Sierra Vista, but both the riparian area and Sierra Vista are about 20 miles south and southeast from the project and the San Pedro River actually runs from the south to the north. Mr. Thompson then stated the earth-loving, tree-hugging people trying to protect Benson residents from themselves are from Bisbee, Sierra Vista, Tucson and even San Francisco and that they appear informed and are intelligent, then questioned why they say things

that make them appear stupid. Mr. Thompson said those people don't care about Benson, the people who live in Benson, jobs or employment opportunities in Benson and stated the railroads that came to Benson 150 years ago would have probably been met with the same negativity from those people. Mr. Thompson then stated the railroads did come and Benson grew and at one point, had 17 gas stations, 30+ restaurants, many hotels and stores, a movie theater, a roller skating rink and even a bowling alley, but now without that economy, Benson has more problems. Mr. Thompson then spoke about the environmentalists concern about ruining the cuckoo habitat and that the property to be developed doesn't have the trees and water needed for the habitat and noted the CMP shows the intentions of the developer with plans for trees, water and landscaping that will not only be a habitat for people but according to the Fish & Wildlife Foundation, will be the ideal habitat and nesting area for the cuckoo and other creatures. Mr. Thompson then said he gets riled up about this subject because he lives in Benson and cares about Benson, the residents, the youth and the opportunities Benson could have and asked the Council to stop letting people speak for Benson and to make decisions for the residents, adding Benson has the right to choose what is best for Benson.

Barbara Nunn, E. La Cuesta Drive, Benson, read the following direct quotes from the CAVE FM radio station: "Council have no ability whatsoever to distinguish between legitimate offers and con jobs," The Finance Director is "a liar," "Our Mayor is grossly incompetent," and that there have been ridiculous statements about El Dorado building houses with no market for them. Ms. Nunn then asked who would believe that El Dorado doesn't know their market and would want thousands of empty houses sitting around, creating the proverbial 40' wall of water, adding she was gone 6 weeks and understood there was some horrendous rain in Benson, but there was no 40' wall of water wiping out St. David. Ms. Nunn then said if the radio station owner was so miserable, he could make it easy on himself and go back Tucson or go away like he has threatened to do for years. Ms. Nunn then spoke about a recent forum for City Council candidates she attended and the same old refrain was that we should look for other businesses to come to Benson, as if they were lining up outside City Hall. Ms. Nunn then stated the Council should embrace the opportunities they are given. Ms. Nunn then stated the Council did not do away with the Economic Development Committee; the members all resigned because they could not accomplish anything without a budget and that it was bad to have this negative dribble on the radio and in the local newspaper. Ms. Nunn then spoke about the recent City Council meeting that was packed with spectators and said that most people there were probably naysayers who don't live in Benson or pay taxes in Benson and think they are the saviors of the yellow-bellied mattress thrasher and some Mexican garter snake who think the Council should let the economy die because of these animals. Ms. Nunn said her comments wouldn't be on the radio as the radio station owner edits the content of the Council meetings to fit his and the out-of-towners' agendas. Ms. Nunn then spoke about hearing City Manager Bill Stephens may be leaving for a job in another city and berated the Council for their actions regarding an executive assistant for the City Manager, not giving him a raise and the disrespect that comes from the dais. Ms. Nunn then spoke about a conversation she overheard a little more than 2 years ago between a couple of Councilmembers with one Councilmember saying they didn't need to worry about the City Manager coming to Benson because he had 4 votes and the Council could fire the City Manager at a moment's notice. Ms. Nunn then said if that conversation trickled down to Mr. Stephens, everyone should be embarrassed and she hoped the Council would not let Mr. Stephens, who has professionalism and integrity go for sarcasm and a few dollars.

Mark Spencer, Senior Vice President of the Arizona Pilots Association, stated he was also the federal lands liaison for the national organization called the Recreational Aviation Foundation, was the owner of 3 hangars on Pad D at the Benson Municipal Airport and was the statutory agent and spokesman for that hangar organization, but he didn't speak for Hanger Pad B, which is leased by Bob Rhodes. Mr. Spencer stated he was going about things a little differently than Mr. Insalaco, but he did agree with Mr. Insalaco's comments. Mr. Spencer then read from the City Code, Chapter 8, Section 8-4 that "whenever the City must impose restrictions or limitations, those restrictions or limitations are to be construed narrow in order to minimize the imposition on citizens" and stated he thinks this is happening with hangar inspections. Mr. Spencer said he has been working with the regulatory group; the Fire Chief, the Fire Marshal, the Public Works Director and the City Inspector and that while there may be a little paranoia out at the airport, it is mostly due to a lack of information, but City Staff is working with the airport community members and answering questions about the inspections, noting it is taking time because there haven't been any hangar inspections in 9 years and the hangars are private hangars as defined in the City Code. Mr. Spencer spoke about encouraging Council to let

City Staff do their job, adding Staff is working with the airport community members. Mr. Spencer then said his lease allows hangars to be used for the storage of aircraft and aviation-related activities and that he would not need the language Mr. Insalaco proposed, but that he believed Mr. Rhodes' lease was different. Mr. Spencer then spoke about aviation activity being the life blood of a small airport and other cities making the mistake of over-regulating, stating when he purchased his first aircraft there was a 2-3 year waiting list for hangars at the Sierra Vista Municipal airport, but now he could take his pick of hangars and instead chooses to pay more for a hangar in Benson because Sierra Vista over-regulated and almost everyone moved out, adding the former commander of Ft. Huachuca even houses his plane in Benson. Mr. Spencer then said he wasn't asking anything of Council except encouraging the regulators to do their job, adding everyone wants safe hangars and they are working together on the process. Mr. Spencer then said inspections will be incorporated into their bylaws, with City Code Chapter 19 and FAA Corporate regulations, adding when members understand what is expected of them, inspections are easier.

CITY MANAGER REPORT:

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

Tuesday, August 9, 2016 – Library Advisory Board, 4:00 p.m., City Library
Wednesday, August 17, 2016 – Community Watershed Alliance, 6:00 p.m., City Hall
Monday, August 22, 2016 – City Council Meeting, 7:00 p.m., City Hall

Mr. Stephens stated information can be found at the City's website at www.cityofbenson.com. Mayor King stated the August 22, 2016 Council meeting may be cancelled due to the Council attending the annual League of Arizona Cities & Towns conference that week.

NEW BUSINESS:

1. Discussion and possible action on the Consent Agenda

- 1a. Minutes of the May 23, 2016 Worksession
- 1b. Minutes of the May 23, 2016 Regular Meeting
- 1c. Resignation of Cliff Deane from the Benson Planning & Zoning Commission
- 1d. Reappointment of Ken Ryan to the Benson Board of Appeals
- 1e. Appointment of Mark Fenn to the Benson Board of Appeals
- 1f. Resolution 28-2016 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 the Pomerene Elementary School District #64 (the "District") to permit reciprocal use of the buildings and grounds of the City of Benson and the District
- 1g. Invoices processed for the period from July 1, 2016 through July 31, 2016

Vice Mayor McGoffin moved to approve the Consent Agenda. Seconded by Councilmember Lambert. Motion passed 5-0.

2. Discussion and possible action regarding Resolution 29-2016 of the Mayor and Council of the City of Benson, Arizona, recommending approval of the acquisition of control of the liquor license at Safeway, 599 W. 4th Street, Benson, Arizona

City Clerk Vicki Vivian asked the Council to table this item, noting the agenda incorrectly listed the liquor license acquisition of control transfer for Safeway instead of Junction Express, located at 1090 S. Hwy 80, as reflected in the Council packet. Ms. Vivian stated she had contacted both the State Department of Liquor Licenses & Controls and Junction Express notifying them the Council would consider this action on September 12, at 7:00 p.m.

Mayor King moved to table New Business Item 2. Seconded by Vice Mayor McGoffin. Motion passed 5-0.

3. **Discussion and possible action regarding Resolution 30-2016 of the Mayor and Council of the City of Benson, Arizona, approving the application by the Benson Historical Preservation Commission for a Certified Local Government Pass-through Grant administered by the Arizona State Historic Preservation Office for assistance in completing an inventory of structures on Fourth Street**

City Manager Bill Stephens stated Public Works Director Brad Hamilton has been working with this issue and is here should Council have any questions. Mr. Hamilton stated Planning Technician Michelle Johnson had been working with the Historic Preservation Commission and Ms. Johnson would address the Council. Mayor King asked Ruth Wilson, Chair of the Historic Preservation Commission to also come forward. Ms. Johnson said several years ago, Council approved a grant to begin the inventory process of 4th street to create a historic district and this is the second part of the process; the nomination of the district. Ms. Wilson stated once the nomination is made, the process takes another 18 months. Ms. Wilson then said the State told her that millennials like to come to historical areas with older buildings because they like the character of the buildings. Ms. Wilson noted the Arnold property is being revamped and hopefully, it will help this process move forward easier. Ms. Johnson noted the term “Old Benson” would be changed to “Historic Benson.”

Ms. Johnson then spoke about the cost of the project, stating the total cost is \$4,000 with \$2,400 in grant funds and the remaining \$1,600 being required from the City. Ms. Johnson noted the Historic Preservation Commission was funded \$1,000 in the current budget and the Commission was hoping to have another \$600 approved from the Community Enrichment Fund.

Mayor King stated the Commission has worked hard on this over the years and has done a great job on what he calls downtown Benson. Councilmember Boyle stated he was concerned that development on Highway 90 would cause downtown to shrivel and this was something the Council needed to do to keep downtown viable.

Mayor King then moved to approve Resolution 30-2016 with \$1,000 coming from the Historic Preservation Commission line item and the \$600 coming from the Community Enrichment fund. Seconded by Vice Mayor McGoffin. Motion passed 5-0.

4. **Discussion and possible action regarding the official name of the field known as “The Sandlot” located at Lions Park**

City Manager Bill Stephens stated Mayor King requested this item, adding Council can take action on the official naming of the field known as “The Sand Lot” and give direction to Staff regarding the ceremonial naming of the field and the placement of a sign, should they choose.

Mayor King stated when he was coaching teams, he would watch the kids come to the bottom field and all of a sudden a little sign appeared that read “the Sand Lot,” after the movie and he thinks the field should be officially named honoring the kids who played in that field and named it when it was literally a sand lot. Vice Mayor McGoffin agreed. Council discussed the proposed sign and that eventually, they would like signs up on all the fields with the names currently being used.

Vice Mayor McGoffin moved to approve the Sand Lot field being officially named the Sand Lot. Seconded by Mayor King. Motion passed 5-0.

5. **Discussion and possible action regarding Resolution 31-2016 of the Mayor and Council of the City of Benson, Arizona, approving an Intergovernmental Agreement between Cochise County and the City of Benson for election supplies and services**

City Clerk Vicki Vivian stated she compared this Intergovernmental Agreement (IGA) to the previous IGA the City had for election services and then briefly reviewed the changes, which include updating the language to include voting centers and new equipment, such as electronic registration devices, touchscreen voting equipment and tabulation equipment. Ms. Vivian stated other changes include the County obtaining facilities

to be used for vote centers and recruiting election poll workers, who will now work directly for the County. Ms. Vivian then stated the IGA now includes the actual costs of additional services the County will incur for court preparation, court appearances or any fees the County incurs related to recounts or handcounts. Ms. Vivian then stated none of the set costs have increased and nothing materially was changed in the IGA with the exception of updating the language to reflect the current standards and practices.

Ms. Vivian then spoke briefly about voting centers, stating if someone lives in Benson, but works in Sierra Vista, they can vote at one of the voting centers in Sierra Vista because voters are no longer required to vote at their designated polling place, but can vote in any of the 18 voting centers in Cochise County. Ms. Vivian then stated she had also sent the IGA to the City Attorney for his review; City Attorney Gary Cohen stated he had no recommended changes. Mayor King asked about the local voting centers with Ms. Vivian stating a voting center will be located in Benson, St. David and in Mescal.

Vice Mayor McGoffin moved to approve Resolution 31-2016. Seconded by Councilmember Boyle. Motion passed 5-0.

DEPARTMENT REPORTS: No comments from Council.

ADJOURNMENT:

Vice Mayor McGoffin moved to adjourn at 7:47 p.m. Seconded by Councilmember Lambert. Motion passed 5-0.

Toney D. King, Sr., Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk