

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD SEPTEMBER 12, 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 7:10 p.m. with the Pledge of Allegiance. Mayor King then introduced a representative of the New Life Family Worship Center, who offered the invocation.

ROLL CALL:

Present were: Mayor Toney D. King, Sr., Councilmembers Pat Boyle, Joe Konrad and David Lambert. Absent were: Vice Mayor Lori McGoffin, Councilmembers Chris Moncada and Jeff Cook. Mayor King stated Vice Mayor McGoffin was excused due to being ill.

EMPLOYEE RECOGNITION: None

PROCLAMATION:

Mayor King read a proclamation of the Mayor and Council proclaiming the week of September 19-23, 2016 as "Benson Bobcat Week." Mayor King then stated he would be presenting the proclamation to the Benson School during the school assembly.

PUBLIC HEARING: None

CALL TO THE PUBLIC:

Scott Sinclair, S. Lee Street, St. David, stated he was a property owner in Benson and plans on moving to Benson in the next few years. Mr. Sinclair stated this was his first time addressing Council, but it would probably not be his last, adding he was here to speak about Post Ranch Road, which has been closed and has locked gates put up by El Dorado. Mr. Sinclair stated he had talked to Mr. Reinbold and Mr. Jannetto, and they initially agreed to move back the gates to let people have access to the State trust land, but they haven't do so and now won't return his calls. Mr. Sinclair stated he has a lot more research to do, but Post Ranch Road has been on the maps in this county for at least 80 years, adding is someone goes back 50 years, they can use the road atlas for Cochise County, which shows it as a valid road, used by the public to access land in the State Trust lands. Mr. Sinclair stated people who used it include a former Mayor who used to take Boy Scout troops camping. Mr. Sinclair stated the road has been used over 50 years and the public has never been excluded or restricted in its use until now, adding he hasn't spoken to anyone who was thrown out, asked to leave or been cited for trespassing. Mr. Sinclair then stated regardless of being for or against El Dorado's proposed development, the main issue is access between Highway 80 and Highway 90 or to the State trust land, adding AZ Game and Fish was not happy that the State trust land was isolated. Mr. Sinclair stated he can't find out exactly who owns the road, noting he had been to the County and they were very forthcoming and supplied a lot of information. Mr. Sinclair then stated the Council ceded the right of way to the City in 1999 and the Post family had a closed meeting with the Council in late '70s or early '80s, and also got rid of their portion. Mr. Sinclair then stated the City has 2 major planning documents; the 2007 Transportation Plan that identified Post Ranch Road and the Transportation Study that indicates the road has 67 vehicles a day on it and also identified it to be paved in the future. Mr. Sinclair then stated on the City's master plan update also identified Post Ranch Road, then asked if the City has the rights over the right of way. Mr. Sinclair then stated he filed a request for the records, but was told there were no records, then stated he has asked for clarification and is awaiting a response.

Andrew Abernathy, S. Mesquite, Benson, stated he wanted to speak publicly, adding it reflects back on the earlier worksession with the Southeast Arizona Economic Development Group (SAEDG), adding he wanted to encourage the Council to work with other local economic development groups that have Benson's best interests at

heart. Mr. Abernathy then thanked the Council for their support and their willingness to have the conversation earlier.

Stephen Insalaco, W. Pinto Place, Benson (J6), spoke about the airport hangar inspections stating City Staff shared the hangar inspection checklist, adding he created his own checklist for the City's consideration, which he is still revising. Mr. Insalaco then stated one item on the City's existing checklist includes verifying that items are not stored within 36" of electrical panels, adding he finds this both prudent and wise and to be at no real cost for hangar tenants to mitigate. Mr. Insalaco then stated there is a single electrical panel on the exterior of the building on the south end serving the hangar row on Pad B and although the City has recognized the need for a clear path to electrical panels, they have sufficiently blocked the pathway to this one with a fence, ruff raff and knee-high weeds, adding none of this is keeping with the philosophy of easy access. Mr. Insalaco then stated the only access to this electrical panel is to walk to the nearest personnel gate, hundreds of yards away from many of the hangars and then regress back toward the hangar row to negotiate the weeds and ruff raff. Mr. Insalaco then stated it would seem reasonable and prudent to clear the path and install personnel gates on either side of the perimeter fence at the south end of the hangar row to grant hangar tenants immediate access to the one existing electrical panel that serves the hangar row on Pad B. Mr. Insalaco then stated an alternative would be to move that section of the fence about 5 feet away, as was suggested by the Benson Airport Advisory Board he chaired when the fence design was being studied. Mr. Insalaco then stated the airport community members are willing to assist in this endeavor, especially in moving the ruff raff, and it would be interesting to see if the City walks the same walk that they speak about airport hangar safety, adding this can be best demonstrated in part by solving the electrical panel access problem.

Joanna Hines, a non-resident of Benson, stated she was an associate staff scientist at MMT and asked the Council to consider updating the City's outdoor lighting code, noting the current lighting code, due to its age, does not address some important factors, such as LED lighting or digital signs. Ms. Hines then stated she would like to support any efforts towards an updated lighting code and would personally like to be part of any committee the Council formed to address it.

Bob Gent, Sierra Vista, stated he was with the Astronomical League and has served on the Sierra Vista and Cochise County lighting committees, adding he was here to offer his service for free to help the City update the lighting code. Mr. Gent then stated he hopes the City Manager and the Development Officer will move forward with updating the code. Mr. Gent then stated he has a lighting engineer in Tucson, who is also willing to serve on the committee pro bono. Mr. Gent then restated they are willing to serve and hope to help the City move the lighting code forward.

CITY MANAGER REPORT:

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

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| Tuesday, September 13, 2016 | – Library Advisory Board, 4:00 p.m., City Library |
| Saturday, September 17, 2016 | – Historic Preservation Commission, 9:00 a.m., City Hall |
| Tuesday, September 20, 2016 | – Planning and Zoning, Citizen Review, 6:00 p.m., City Hall |
| Wednesday, September 21, 2016 | – Community Watershed Alliance, 6:00 p.m., City Hall |
| Monday, September 26, 2016 | – City Council Meeting, 7:00 p.m., City Hall |
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| Tuesday, September 20, 2016 | – Benson High School Homecoming Bonfire, Benson School overflow parking lot, 8:00 p.m. – 10:00 p.m. |
| Friday, September 23, 2016 | – Benson High School Parade, 12:00 p.m. – 2:00 p.m. |
| Friday, October 7, through
Sunday, October 9, 2016 | – Benson Butterfield Overland Stage Days & Rodeo. This event includes a Car Show, Antique tractor display and tractor pull, the Benson Pony Express and the Rodeo. For a full list of activities, locations and times, please go to www.cityofbenson.com "What to do Today" and www.bensonbutterfieldrodeo.com |

Mr. Stephens then announced that Staff is beginning the process of reviewing and updating the City's outdoor lighting regulations, adding with the recent Community Master Plan, the City's outdoor lighting regulations have come to the forefront of Staff's efforts. Mr. Stephens then stated there were several offers from knowledgeable individuals and professionals in the field to assist in the review and recommendations that will be sent to the Planning & Zoning Commission before the final draft is submitted to Council for action. Mr. Stephens stated anyone who would like to participate can contact Michelle Johnson at City Hall or speak to her after the meeting tonight, as she was present.

Mayor King asked those present to mark their calendar for the Benson High School football game on September 23 and then stated the upcoming Benson Butterfield Rodeo is one of the greatest events and encouraged those at the meeting to go to the event and invite others.

NEW BUSINESS:

1. Discussion and possible action on the Consent Agenda

- 1a. Minutes of the June 1, 2016 Special Meeting
- 1b. Minutes of the June 6, 2016 Special Meeting
- 1c. Minutes of the June 13, 2016 Regular Meeting
- 1d. Minutes of the June 23, 2016 Special Meeting
- 1e. Minutes of the June 27, 2016 Regular Meeting
- 1f. Invoices processed for the period from August 1, 2016 through August 31, 2016

Councilmember Lambert moved to approve the Consent Agenda. Seconded by Councilmember Boyle. Motion passed 4-0.

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 Junction Express, 1090 S. Highway 90, Benson, Arizona

City Clerk Vicki Vivian stated Junction Express has applied for the acquisition of control of the liquor license and procedures have been followed according to ARS §4-201 and §4-203(F), with no written arguments in favor of or opposed to the issuance of the license being received. Ms. Vivian then stated this is now the step where the "governing body of the City or Town shall then enter an order recommending approval or disapproval within sixty days after filing of the application," adding once the Council makes a recommendation, she would forward the proper documents to the Arizona Department of Liquor Licenses & Control. Councilmember Lambert stated the business is still the same, this is just a change in the acquisition of the license and moved to approve Resolution 29-2016. Seconded by Councilmember Konrad. It was brought to the Council's attention that the agenda listed the address as 1090 S. Highway 90, instead of 1090 S. Highway 80. City Attorney Paul Loucks stated the address on the resolution was correct and determined the Council could take action on the resolution. Motion then passed 4-0.

3. Discussion and possible action regarding the requests from the Benson Clean & Beautiful for funding and assistance from the City

City Manager Bill Stephens stated this item is a request from the Benson Clean & Beautiful for \$1,000 from the community enrichment fund as a sponsorship of the rodeo. Mayor King asked if anyone was present from the Benson Clean & Beautiful with Mr. Leo O'Farrell stating the President, Lisa Hill was unable to attend the meeting due to an illness, but he was the Vice President and could address Council. Mr. O'Farrell then stated this is the first year the Benson Clean & Beautiful organization was taking on the Butterfield event, adding these kinds of events important for the community. Mr. O'Farrell then stated the rodeo is a big draw, but the other events are also a big draw. Mr. O'Farrell then stated the funding from Council would be used to help support the different events, adding he doesn't know if it is earmarked for the rodeo specifically, but if the funding is approved, they can move forward with the event on October 7.

Mayor King asked what the Benson Clean & Beautiful organization would be doing during the event with City Clerk Vicki Vivian stating Benson Clean & Beautiful is actually putting on the events at the park. Councilmember Lambert stated in the past, the Chamber of Commerce put the events at the park on, but this year Benson Clean & Beautiful would be hosting the events at the park. Councilmember Lambert then stated in the past, the Council donated funding to the Chamber to assist with the same events.

Councilmember Boyle stated last year, the Council did contribute to the events at the park with City Attorney Paul Loucks stating legal counsel has expressed concerns in the past, but he was unaware Benson Clean & Beautiful was actually putting on the event, noting the sponsorship funding going to the entity putting on the event does help, as the City can look at the economic benefit of the event.

Councilmember Lambert moved to approve \$1,000 from the community enrichment fund to help sponsor the Butterfield Stage Days weekend. Seconded by Councilmember Boyle. Councilmember Konrad stated he would like to thank Benson Clean & Beautiful for the work they've done, adding he has participated in some of their events and he appreciates what they are doing. Mayor King agreed, stating the murals around town are great. Mr. O'Farrell stated Benson Clean & Beautiful is just getting started. Motion passed 4-0.

4. **Discussion and possible action regarding Resolution 32-2016 of the Mayor and Council of the City of Benson, Arizona, canvassing, declaring and adopting the results of the Primary Election held on August 30, 2016**

City Clerk Vicki Vivian stated this Resolution is a requirement that must be completed no later than 20 days after the election, adding Resolution 32-2016 officially approves the canvass of the votes cast in the August 30, 2016 Primary Election. Ms. Vivian then spoke about the statute that addresses the calculations of a majority of votes cast for the Mayor and Council seats to determine if candidates are seated at the Primary Election. Ms. Vivian then stated at the Primary Election, Toney King, Sr. was seated as Mayor and Pat Boyle, Levi Garner and Crystal Schmidt were seated as Councilmembers, noting that due to all the open Council seats being filled, the General Election City ballot will only address the Alternative Expenditure Limitation (Home Rule). Councilmember Konrad moved to approve Resolution 32-2016. Seconded by Councilmember Lambert. Councilmember Lambert then thanked everyone who voted in the election and congratulated the candidates that prevailed. Mayor King agreed, thanking those who voted to reelect him. Motion then passed 4-0.

5. **Discussion and possible action on Resolution 33-2016 of the Mayor and Council of the City of Benson, Arizona, declaring as a public record that certain document entitled, "Benson City Code, Chapter 12 – Traffic and Parking"**

Public Works Director Brad Hamilton stated the City's parking ordinances are outdated and after research and legal review, this resolution declares the new chapter on Traffic and Parking a public document. Mr. Hamilton stated should the Council wish to make changes to the document, they would need to do so at this time. Councilmember Boyle asked if the new chapter addressed parking in front of the court house with Mr. Hamilton stating it addresses parking at the court house, around the library and other areas.

Councilmember Lambert stated he worked extensively with Mr. Hamilton, adding this new city code section works well for all and gives Mr. Hamilton a little more authority to do his job. Councilmember Lambert then moved to approve Resolution 33-2016. Seconded by Councilmember Konrad. Motion passed 4-0.

6. **Discussion and possible action regarding Ordinance 583 of the Mayor and Council of the City of Benson, Arizona, amending the Benson City Code; Replacing the Benson City Code Chapter 12, "Traffic, Sidewalks, Parking, and Bicycles" by adopting new Chapter 12 entitled, "Benson City Code, Chapter 12 Traffic and Parking"**

Public Works Director Brad Hamilton stated this ordinance adopts the new City Code Chapter on Traffic and Parking that the Council just declared a public document. Councilmember Konrad stated a lot of work went into the chapter over several months and thanked Mr. Hamilton, adding he thinks the results will be a big improvement.

Councilmember Lambert then moved to approve Ordinance 583. Seconded by Councilmember Boyle. Motion passed 4-0.

7. **Discussion and possible action regarding Resolution 34-2016 of the Mayor and Council of the City of Benson, Arizona, approving and authorizing the expenditure of Public Funds, in an amount not to exceed \$76,627.00, to allow Cochise County (“County”) to proceed with the construction of improvements to City streets pursuant to the January 25, 2005 Intergovernmental Agreement with the County**

Public Works Director Brad Hamilton stated in the past, the City has brought in Cochise County to chip seal some streets and this item is to do the same, adding the project is to chip seal Patagonia from 4th to Union and Union Street from Patagonia to Ocotillo. Mr. Hamilton stated this is a very heavily used area and with the current condition of Union Street, something has to be done before it ends up costing a lot more to repair it later. Mayor King asked if this item was in the current budget with Mr. Hamilton stating it was. Mr. Hamilton then noted the project will take place during fall break to minimize the impact on traffic at the school.

Councilmember Lambert stated the map he asked for was in the Council packet and shows the streets that will be chip sealed. Councilmember Lambert then moved to approve Resolution 34-2016. Seconded by Councilmember Boyle. Councilmember Konrad stated a benefit of the IGA with Cochise County is that there is at least a 50% savings from contracting with an outside entity. Mr. Hamilton agreed, stating the County buys a lot of material and they are able to get it cheaper than the City can. Motion then passed 4-0.

DEPARTMENT REPORTS: No comments from Council.

ADJOURNMENT:

Councilmember Boyle moved to adjourn at 7:51 p.m. Seconded by Councilmember Konrad. Motion passed 4-0.

Toney D. King, Sr., Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk