

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD NOVEMBER 9, 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 7:01 p.m. with the Pledge of Allegiance. Mayor King then introduced Brother Robbie Robinson from the Church of Christ 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:

Mayor King recognized Judd Lowe for 5 years of service with the City of Benson. Mr. Lowe was not in attendance.

PROCLAMATION:

Mayor King then read a proclamation of the Mayor and Council urging all citizens of our community to commend America's veterans and to observe with solemn pride November 11, 2015 as Veterans Day and to take part in as many ceremonies and events as possible to honor these men and women.

PUBLIC HEARING: None

CALL TO THE PUBLIC:

Dan Barrera, a non-resident and owner of the Quarter Horse Motel located in Benson, stated he has 600 frontage feet and a little over 1,000 feet adjacent to the railroad that is within a quarter mile of the train. Mr. Barrera stated people want to enhance the community and make it the best possible place to live, adding Benson has great scores, but creating quiet zones at the railroad crossings will further enrich and enhance the community for its residents. Mr. Barrera then thanked Councilmember Boyle for getting this item on the agenda. Mr. Barrera then stated he spent about 5 minutes on a computer looking up quiet zone locations in the state of Arizona and found them in Tempe, Flagstaff, Phoenix, Maricopa, Wellton, Chandler, Marana, Kingman, Gila Bend and Willcox, adding if those could be done, he is sure it can be done in Benson. Mr. Barrera stated it was amazing how quickly he was able to get a guide to quiet zones and the establishment process, adding this is something greatly needed in Benson. Mr. Barrera then stated he has seen too many people in the City with their fingers in their ears and turned toward the audience to demonstrate. City Attorney Gary Cohen asked Mr. Barrera to address his comments to the Council. Mr. Barrera then continued, stating he thinks Benson needs these quiet zones, adding if he is on a phone just outside his establishment, he has to wait for the train to pass before talking on the cell phone. Mr. Barrera then stated he was not trying to be disrespectful to the Council by facing the audience and apologized. Mr. Barrera then asked the Council to move quickly on the establishment of the quiet zones to make Benson a better place to live.

Mayor King stated he did not think Mr. Barrera was being disrespectful, but all comments from speakers at the Call to the Public need to be directed to the Council and no one else.

Angela Roberts, Pearl Street, Benson, addressed the Council regarding issues at the animal shelter, stating a second person is needed to work there. Ms. Roberts stated the City is about to lose an employee who is very dedicated to the animal shelter and the community because the employee is struggling there. Ms. Roberts stated dealing with animals and the people who bring them in is a backbreaking, heartbreaking, soul-sucking job, adding even good things can be stressful. Ms. Roberts then stated she used to be the volunteer who came in and cleaned on weekends

for about 2 years, but she quit because it was blatantly obvious to her that the longer she worked for free, the longer it will be expected and the City won't hire anyone. Ms. Roberts then stated this past weekend, she took some things in to drop off and found out there was no responsible party at the shelter all weekend long and not a single animal was fed, cleaned or medicated over the weekend. Ms. Roberts stated she didn't know whether this was an oversight or miscommunication issue, but it was unacceptable. Ms. Roberts then stated she didn't need the job and this was not a petition to hire her, but she wanted the Council to know what was happening. Ms. Roberts then stated the current animal control officer is dedicated and loves what she does, but she is up against the wall. Ms. Roberts then stated if the animal control officer is on vacation or is out sick, there is no one else to do anything, adding volunteers can't euthanize sick or injured animals. Ms. Roberts then asked the Council to address this issue, adding the situation is unacceptable to animals, to the employee and to the community.

Susan Van Skike, Empire Road, Mescal, stated she was a volunteer at the animal shelter and it is extremely upsetting to watch everything that goes on there. Ms. Van Skike stated Laurie Fivecoat is the only paid animal control officer and Ms. Fivecoat is so overworked, it's crazy, adding Ms. Fivecoat is so stressed over her job that she has been to a doctor and has a note from the doctor saying her load needs to be lightened, but it hasn't happened and is not being addressed. Ms. Van Skike then stated as a volunteer she can answer calls, but people get upset, frustrated and irate when the animal control officer is out on a call or is not there to handle their requests. Ms. Van Skike then stated she feels that the animal control officer is being taken advantage of, adding during the 6 months she has been a volunteer, the animal control officer has been told that an additional employee for the animal shelter will be hired, but nothing has been done. Ms. Van Skike then stated there has also been an issue about purchasing an \$85 printer, with the animal control officer being told she could purchase it and then being told she could not purchase it and now the animal control officer has to leave the animal shelter to make copies, which again, causes customers to be angry when they can't be helped. Ms. Van Skike then spoke about the animals not being fed or cleaned over the weekend, stating she was there and listened to someone from the Police Department tell the animal control officer that it would be taken care of. Ms. Van Skike then stated the animal control officer is stressed out, near tears and needs to take time off, but can't because nothing is taken care of when she is gone. Ms. Van Skike then stated she knows the animal control officer takes her computer home and works overtime at home, adding she is way overworked and volunteers can only do so much. Ms. Van Skike then asked the Council to address this issue.

George Scott, Director of SAEDG (Southeast Arizona Economic Development Group), 168 E. 4th Street, Benson, stated the quiet zone program is long overdue in Benson and thanked Councilmember Boyle for recommending the City look at this and move forward with the quiet zones. Mr. Scott then stated the biggest complaint from downtown businesses and from visitors is the train whistle noise, adding people like to look, but they don't want to have their eardrums blown out. Mr. Scott then stated the only reason Benson is here is because it was a transportation hub with the railroad being the most important piece, but we need to make visiting Benson more pleasant with quiet zones. Mr. Scott then stated with all the proposed growth, there will be new businesses and visitors, adding his office is already getting inquiries from businesses who are thinking of locating downtown and he feels this issue needs to be addressed sooner rather than later, stating the City needs to be prepared for the growth that will be happening in the next few years. Mr. Scott then agreed with Mr. Barrera's comments that other cities have done this and it's time for Benson to do the same. Mr. Scott then stated Councilmember Cook lives near the railroad tracks and he knows how the train sounds in the middle of the night. Mr. Scott then stated one of the issues will be the cost, but stated the Council should consider how much making Benson a better place to be and visit is worth. Mr. Scott then stated a lot of groups, such as the SAEDG, the Chamber of Commerce, the Benson Heritage Railroad Foundation and others have volunteered to help with this project. Mr. Scott then asked the Council to remember that they are the only ones who can start this by directing Staff to move forward in initiating this project and asked Council to do so to make Benson a nicer place to live and do business.

Samuel Miller, Foothill Drive, Benson, addressed Council stating he is a pilot and owns an aircraft, but he is not rich, adding his aircraft costs about as much as a truck, noting the difference is an aircraft costs a lot more to maintain. Mr. Miller then stated on his last night flight he took out of the Benson airport, he saw that the beacon hasn't been working and the taxiway lights were blocked by grass that is high enough to hit his aircraft wings. Mr. Miller stated he has a low-winged aircraft and as long as he lands it in the middle of the runway, there is no problem, but if the wind made him land on the sides, the grass could pull his aircraft off the runway. Mr. Miller

then stated the lights have been out for about a year, adding they are not required, but are nice to have at night and the security gates have not worked for 2 years and are now locked open because access cards don't work. Mr. Miller then stated the van at the airport that has Benson's name on it is in need of a battery, adding the van is old and should be gone. Mr. Miller then stated he is a pilot and he served on the Airport Advisory Committee, but he was only speaking due to his personal concerns about these issues. Mr. Miller stated some of the issues are serious enough for the FAA and ADOT to look at, but none of them have anything to do with the current FBO, Southwest Aviation, and all of them have to do with the City. Mr. Miller then stated there is talk about a new FBO and if they come and operate in a free economy, it would be good, but he has heard rumors of the City having to pay the new FBO if the new FBO doesn't make a certain amount of money. Mr. Miller then stated this may result in increases in landing fees and fuel costs which would drive people away from the Benson airport, adding fly-ins bring people to Benson who spend money, but if they are driven away, they won't come to Benson. Mr. Miller then stated other airports such as Scottsdale, Tucson International, Yuma and Sierra Vista don't have landing fees and stated the hangar fees in Benson are higher than in Sierra Vista and Tucson. Mr. Miller then stated someone can also go to Casa Grande and ask about building a hangar and be given a packet with instructions and plot maps, adding it's simple in Casa Grande and shouldn't be so difficult in Benson. Mr. Miller then stated he put on a public event last year at the airport and plans on doing it again next year.

Heather McClain, Whetstone Ranch, Benson, stated she was a volunteer at the animal shelter for about 3 years, and the animal control officer has been by herself, adding it has been a difficult couple years for her. Ms. McClain stated she has seen the animal control officer decline emotionally, adding the animal control officer is truly a wonderful lady who is doing the best she can and puts in a lot of time on her own, but she has a lot of pressure to work by herself and there is no way she can continue running the shelter by herself. Ms. McClain then stated the animal control officer is in desperate need of help and the City may end up losing a valuable asset at the animal shelter without it.

Paul Lotsof, a non-Benson resident and Manager of the CAVE FM radio station in Benson stated he has spoken about the proposed Villages at Vigneto project and anyone listening knows he has never expressed opposition to growth in the Benson area, adding he is a strong supporter of growth and feels that more population would benefit this area in many ways. Mr. Lotsof then stated he has never expressed opposition to the proposed project, but he does have reservations about the management and even more reservations about the proposal to form one or more CFDs (Community Facilities Districts), adding he doesn't feel their formation is essential for the project to be carried out. Mr. Lotsof then stated there is a multitude of questions that first need to be answered and some are vital the Council should ask before acting, such as how much bond money will be initially raised; would the initial offering be based on providing infrastructure to the entire 28,000 home development; how much is being looked at; who will rate the bonds in terms of how risky they will be; what interest percentage the bonds will pay and what happens if the bonds are rated as junk bonds or near junk bonds. Mr. Lotsof then asked the Council what they would tell the developer if he says the project can't be done unless the City backs the bonds. Mr. Lotsof stated during the October 12 Council worksession, Mr. Guckenberger spoke on CFDs, and said that "we're certainly on the riskier end of the municipal debt spectrum, so that's something to think about" then asked Council if they intend to think about the element of risk or if they have total faith that the money will be spent with the highest standards. Mr. Lotsof then stated other El Dorado developments have been built without CFDs. Mr. Lotsof then stated one downtown revitalization district had a scandal with over \$200 million disappearing and stated the old adage of 'Look before you leap' may have some application here. Mr. Lotsof then spoke about his business building stating in January, all the Council agreed that his business would get no relief from the City codes, making it impossible for him to replace the 1964 mobile home under any reasonable terms and he thinks some of that decision was based on faulty legal advice from City Attorney Paul Loucks. Mr. Lotsof stated after some time, he accepted that he is not permitted to improve his property and this is why he hasn't spoken about it in several months, adding he is speaking about it now because a week ago, he received a notice from the Building Inspector that the area in front of his building does not comply with the City codes and that the necessary improvements must be made. Mr. Lotsof then stated the City is trying to have it both ways; he is not allowed to improve his property, but is required to improve it. Mr. Lotsof then stated his intention is to try and bring the issue to resolution with the Building Inspector, but he doesn't know if that will be possible or not, adding the issue has a strange resemblance to Stagecoach Trails and another Stagecoach Trails is something no one wants.

Kevin Dirksen, Pearl Street, Benson stated he has an eyesore problem and fire hazard next to his house that he spoke to the Council about 3 years ago. Mr. Dirksen said he was told by the Mayor that the issue would be taken care of in 30 days and that didn't happen. Mr. Dirksen then stated last year he then spoke to the City Manager and the Public Works Director and was told the issue would be taken care of in the fall of 2014, but it's now the fall of 2015 and the issue remains. Mr. Dirksen then stated he is wondering if it's possible to get the property cleaned up or if this was an ongoing vendetta against property owners who stand up for their property rights. Mr. Dirksen then stated the City created this mess and the City should clean it up.

Dave Thompson, La Cuesta Drive, Benson, stated people have the freedom of choice; the choice of moving to a community or not, adding people can choose to live in a community, whether family, religion or town and be with other people or have their own acreage and be away from noise and advancement. Mr. Thompson then stated this choice is usually based on character, needs or wants and comes with responsibilities, adding the responsibility is to look at facets, such as the Villages at Vigneto project and the animal shelter and make decisions on those issues. Mr. Thompson stated the same is true for a business, decisions have to be made every day and a business either moves forward or moves backwards and dies, but it can't stand still and neither can the City of Benson. Mr. Thompson then stated Benson is at that point and decisions need to be made and be based on the best information, character, integrity and performances. Mr. Thompson then stated the Council should ask if this is a good move for Benson and if it is, they make a decision and go forward. Mr. Thompson then stated people will ask what happens if the project falls apart, what if the interest rates change, what if in 10 years, it's found out there is not enough water or too much water, adding at that point, the Council then makes another decision and moves forward, watching what happens and making new decisions as needed. Mr. Thompson then stated that is part of the responsibilities of being citizens of Benson and people need to realize that if they are going to have kids and want a future in the City of Benson, they cannot sit back and do nothing, they have the responsibility to move forward.

CITY MANAGER REPORT:

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

- Tuesday, November 10, 2015 – Library Advisory Board, 4:00 p.m., City Library
- Tuesday, November 17, 2015 – Planning & Zoning Commission Pubic Hearing, 7:00 p.m., City Hall
- Wednesday, November 18, 2015 – Community Watershed Alliance, 6:30 p.m., City Hall
- Saturday, November 21, 2015 – Historic Preservation Commission, 9:00 a.m., City Hall
- Monday, November 23, 2015 – City Council Meeting, 7:00 p.m., City Hall

- Wednesday, November 11, 2015 – Veterans Day – City Offices Closed
Veterans Day Memorial Service, hosted by the VFW, 10:30 a.m.,
Veterans Memorial Park

- Thursday and Friday,
November 26 & 27, 2015 – Thanksgiving Holiday – City Offices Closed
- Saturday, December 12, 2015 – Festival of Lights – Light Parade, Floats that best represent the theme
“The Musical Magic of Christmas” will be awarded 1st, 2nd and 3rd place prizes! This year's theme was chosen by the Congregate Meals Program participants. The Parade starts at 6:30 p.m. Following the parade, Santa will be attending the Tree Lighting Ceremony at the Benson Museum located at 180 S. San Pedro Street in Benson.

Mr. Stephens then stated for more events in Benson, the public could visit the City's website: www.cityofbenson.com under “What to do Today.” Vice Mayor McGoffin then stated the Benson High School football team, which has had some great recognition and has been on the news several times will be playing their second game in the State championship playoffs on November 14 at 6:00 p.m. Vice Mayor McGoffin noted the quarterback won player of the week and the team is doing a fabulous job and won their first playoff game 58-14, adding the only reason the opposing team scored was that the JV was playing the entire 4th quarter. Vice Mayor McGoffin then stated the team is awesome to watch and encouraged the public to bring a friend and come out to support our young men on the football team this weekend.

NEW BUSINESS:

1. Discussion and possible action on the Consent Agenda

- 1a. Minutes of the September 28, 2015 Regular Meeting
- 1b. Invoices processed for the period from October 17, 2015 through October 30, 2015

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

2. Discussion and possible action regarding Railroad Quiet Zones for the Patagonia Street, San Pedro Street and Ocotillo Street crossings

City Manager Bill Stephens stated this item was on the agenda at the request of Councilmember Boyle. Mayor King stated he would like to invite the Benson Economic Development Committee (BEDC) Chairman, Mike Berryhill to come to the podium. Councilmember Boyle then stated this item is based on a lot of work by the BEDC, with Mr. Berryhill spearheading the matter. Councilmember Boyle then stated Mr. Berryhill was available to answer any questions the Council may have. Mr. Berryhill then addressed Council regarding the matter and stated the BEDC looked for communities resembling Benson that had quiet zones and then went to visit Willcox and learn how that town achieved the quiet zones. Mr. Berryhill then gave Council pictures of one of the railroad crossings in Willcox to show what was done to bring the crossing up to required standard for a quiet zone, noting all Willcox had to do was install some additional curbing to prevent people from driving into the crossing area and install signs, noting there were 3 railroad crossings updated in Willcox and the cost was about \$4,000. Mr. Berryhill then stated the BEDC gathered the information on how to achieve quiet zones from Willcox and includes explanations from the railroad on what needed to be done. Mr. Berryhill then stated he was told once Willcox got the ball rolling; it only took 6 months to get it done. Councilmember Boyle then stated the information also contains a chronological list of what was done and contact information that was needed, adding the list of what was done and when it was done should be self-explanatory and if Willcox was able to complete this task, Benson should be able to do the same. Mr. Berryhill stated he would like to publicly thank the Public Works Department in Willcox for being extremely helpful, giving him a prioritized list with contact names, titles and phone numbers, adding with the Council's approval, the BEDC would like to turn this information over to the City Manager in hopes of having quiet zones established in Benson.

Council then discussed the quiet zones and that in the past, establishing these quiet zones would require new barriers or crossing arms and was found to cost a lot of money, but the consensus was that if it was simple and didn't cost a lot of money, they would like to move forward with the establishment of quiet zones as soon as possible. Council appreciated the BEDC completing all the legwork and gathering the information for Staff to review and utilize.

Mr. Berryhill stated he didn't want to say this project would be totally simple, but the BEDC gathered a lot of documentation and pictures of each crossing with legal descriptions that can be used as a guide and should help dramatically.

Councilmember Cook expressed concern over the costs, stating there has been probably 1 cost of living adjustment in the last 9 years and concerns about employee positions that are vacant, the extra workload those place on other employees and whether or not the additional project of establishing quiet zones could be started right away and if it would affect other projects.

Mr. Stephens stated the information that is laid out in chronological order with contact information should work fairly well, adding a call can be made to Willcox to allow Staff to have a better understanding of what was involved. Mr. Stephens then stated in the past, Staff was told the railroad crossing arms would have to be replaced and if that requirement has changed, it would make a big difference in the project. Mayor King asked if the cost to establish quiet zones could be paid with bond proceeds with Finance Director Dustin DeSpain stating it could, as the quiet zones would be considered a capital improvement.

Councilmember Konrad stated he had firsthand knowledge of Willcox and when he was there recently, he parked next to the railroad track and could hear the train turbine and wheels but that was all, adding he is all for the establishment of quiet zones. Councilmember Konrad then moved to direct Staff to begin the process of looking into quiet zones at the Patagonia Street, San Pedro Street and Ocotillo Street crossings. Seconded by Vice Mayor McGoffin. Motion passed 7-0. Mr. Berryhill then gave the information the BEDC gathered to Mr. Stephens.

3. **Discussion and possible action regarding Resolution 26-2015 of the Mayor and Council of the City of Benson, Arizona, approving a Construction Agreement with CXT Concrete Buildings, an LB Foster Company for installation of ADA-compliant restrooms at Lions Park, pursuant to CDBG Grant #129-15**

Public Works Director Brad Hamilton stated this contract is for the construction of the second set of bathrooms at the park to meet ADA requirements, noting they are the same as the current bathrooms but since there was a slight increase in the funding, these bathrooms will have a few more features, such as a drinking fountain in the front of them. Mr. Hamilton then stated the funding for the bathrooms is through the CDBG (Community Development Block Grant) program and the bathrooms will be manufactured and delivered for installation approximately 11 weeks from the approval of the contract, adding the actual installation will be done by City employees. Mr. Hamilton then stated when the next CDBG funding cycle comes up; there may be one more bathroom that will qualify.

Council discussed the location of these restrooms being at the soccer field with Councilmembers saying the bathrooms that are going to be replaced are the bathrooms they have received the most complaints on. Mayor King then moved to approve Resolution 26-2015. Seconded by Councilmember Moncada. Motion passed 7-0.

4. **Discussion and possible action regarding additional time off for the holidays in recognition of City Employee Service**

City Manager Bill Stephens stated in recent years, the City Council has recognized Staff's excellent service to the community with an additional day off at Christmas and New Year's, adding as normal, the essential services would still be covered. Mr. Stephens then stated both holidays fall on Fridays this year and a possibility would be to approve Christmas Eve (Thursday, December 24) and New Year's Eve (Thursday, December 31) as additional time off. Councilmember Moncada stated he would be abstaining. Vice Mayor McGoffin stated her husband had retired from the Benson Police Department but has been reemployed as a part-time employee who would not receive this benefit and verified with City Attorney Gary Cohen that she did not need to abstain. Mayor King then stated this is something the Council has done for several years and is something he supports, adding after going through a year like last year, this would help with employee morale and let the employees know the Council appreciates them and the job they do. Mayor King then stated the employees are also grateful for the time off.

Councilmember Konrad asked if the day after Thanksgiving was a paid holiday with Mr. Stephens stating it is, noting the paid holiday for Columbus Day was moved to the day after Thanksgiving many years ago.

Vice Mayor McGoffin moved to give employees Thursday, December 24 and Thursday, December 31 off for their services. Seconded by Councilmember Lambert. Motion passed 6-0 with Councilmember Moncada abstaining. City Attorney Gary Cohen stated the record would reflect an abstention due to an actual perceived conflict of interest. Mayor King and Vice Mayor McGoffin then expressed thanks to the employees for their work and dedication.

5. **Review of City Finance with emphasis on September financial results and the City's financial position at September 30, 2015**

Finance Director Dustin DeSpain reviewed Citywide financial highlights for the month of September stating the City's unrestricted cash sits at \$1.2 million and the bond proceeds are still at \$1.07 million. Mr. DeSpain then stated the City's revenues did not exceed the expenditures and were short about \$50,000 for the month, but stated

the loss was primarily due to grants the City is reimbursed for, adding the City actually made money in September and will be receiving those reimbursements shortly. Mr. DeSpain then stated the City's fund balance was \$48,000 for the fiscal year compared to the -\$2,000 last year at this time. Mr. DeSpain then stated monthly revenues citywide were \$677,000 and are \$2.2 million year-to-date, which is a \$157,000 increase from last year through September, 2014. Mr. DeSpain then stated citywide monthly personnel costs for September were \$344,000, which is a decrease of \$1,000 compared to September of last year and other citywide expenditures were \$300,000 for the month which is an increase of \$82,000 compared to last September.

Mr. DeSpain then reviewed the General Fund stating revenues for the month of September were \$384,000 and were \$1.1 million year-to-date which is an increase of \$36,000 from last year. General Fund personnel costs for September were \$222,000 which is a decrease of \$7,000 from last September and other General Fund expenses for the month of September were \$131,000 which is an increase of \$74,000 from September, 2014. Mr. DeSpain then stated General Fund revenues did not exceed expenditures and were short \$31,000 for the month and the General Fund year-to-date fund balance was -\$153,000, compared to a -\$134,000 fund balance in September of last year.

Mr. DeSpain then reviewed Enterprise Funds stating the Gas Fund revenue for the month of September was \$34,000 and year-to-date was \$110,000 and the fund balance was \$5,000; the Water Fund revenue for the month of September was \$55,000 and year-to-date was \$183,000 and the fund balance was \$53,000; the Wastewater Fund revenue for the month of September was \$56,000 and year-to-date was \$174,000 and the fund balance was \$71,000; the Sanitation Fund revenue for the month of September was \$49,000 and year-to-date was \$148,000 and the fund balance was \$49,000. Mr. DeSpain then stated the Golf Course Operations fund balance was -\$48,000 for the month of September and was -\$67,000 year-to-date, compared to the -\$60,000 year-to-date last September and the Golf Course Food & Beverage fund balance was -\$6,000 for the month of September and was -\$10,000 year-to-date, compared to -\$9,000 year-to-date last September. Vice Mayor McGoffin asked if the golf course was closed for 2 weeks with Mr. DeSpain stating the course was closed for 2 weeks for overseeding, fertilizing and other repairs.

Mr. DeSpain then reviewed sales tax stating the City retail sales tax included the 1% increase and increased almost \$100,000 for the month of September, noting the collection amount was almost equal to October, 2013 before everything decreased. Mr. DeSpain then stated bed tax stayed the same and will hopefully show improvement with winter visitors and construction sales tax did have a peak. Mr. DeSpain then stated the total City sales tax amount for September is about \$275,000. Mr. DeSpain then stated the State tax collections also jumped, noting the City's portion of that is up about \$5,000 and a slight trend can be seen. Mr. DeSpain then noted the increase over the previous year and stated this shows consumers are becoming more confident in the economy. Vice Mayor McGoffin noted the State giving municipalities less money and asked if that funding would be swept throughout the year with Mr. DeSpain stating the State did sweep funding, but the amount the City received was still an increase from the previous year. Mr. DeSpain then stated the increase and the City sales tax increase of 1% exceeded his expectations. Councilmember Moncada asked if the increase would still be there without the 1% increase with Mr. DeSpain stating the collection would have increased but the increase wouldn't be as great, again, stating the increased collections indicate increasing consumer confidence.

Councilmember Cook stated the financial report the Council received gave a breakdown and indicated capital projects at the golf course in the amount of \$9,550 with Mr. DeSpain stating some upgrades were done to the building at the golf course including carpet and paint, which are considered capital improvements. Councilmember Cook then noted there were no capital improvements at the golf course last September and stated without the improvements, the golf course would look about \$10,000 better. Director of Golf Operations Joe DelVecchio stated the capital improvements that were done in the building cost approximately \$2,000. Mr. DeSpain then stated the \$9,500 should also include about \$1,500 for a mower the golf course purchased and he would have to research the rest. Councilmember Konrad then thanked Mr. DelVecchio for the update on the golf course. Mr. DelVecchio then addressed Council stating when comparing this September to last September with the same line items, it can be seen that the golf course is doing better than last year, noting last September the course had no cost for seed, fertilizer or sand and then stated this even includes the course being closed an extra 3 days this September for the reseeding and fertilizing. Mr. DelVecchio then stated the golf course also had two

cart payments made this September for some reason, which is the amount Councilmember Cook is questioning with Mr. DeSpain stating that was correct and golf carts are physical assets that are considered capital improvements. Mr. DeVecchio stated he was trying to find out why two payments were made in one month, adding in 3 months, the golf course has made 5 cart payments instead of the routine monthly lease payment, noting October should look even better because of this. Councilmember Cook then stated he wouldn't expect Mr. DeSpain to have all the information immediately and knew it would have to be researched with Mr. DeSpain stating he would do so and email the information to the Council. Councilmember Moncada asked where the seed costs were budgeted last year with Mr. DeVecchio stating the cost of the seed was in October last year.

Mayor King then stated the golf course looks great right now and it's doing a lot better than last year. Mayor King then stated Mr. DeVecchio is bringing people in to play golf and is doing a great job, adding he stands behind Mr. DeVecchio and asked him to keep doing what he's doing. Mayor King then stated if a question comes up, the Councilmembers should contact Mr. DeSpain during his working hours and not wait to address it during a Council meeting, adding Mr. DeSpain's door is always open to Councilmembers.

EXECUTIVE SESSION: Pursuant to A.R.S. §38-431.03 (A)(3) and/or (4), discussion or consultation for legal advice with the attorney(s) of the public body, and/or discuss or consult with said attorney(s), about its position and instructing its attorneys about contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions to avoid or resolve litigation involving operations at the Benson Municipal Airport.

Councilmember Moncada moved to enter into an executive session with Mayor and Council, the City Manager, the City Attorney, the Public Works Director and the City Clerk at 8:23 p.m. Seconded by Councilmember Konrad. Motion passed 6-1 with Councilmember Lambert voting nay.

Council reconvened at 9:07 p.m.

DEPARTMENT REPORTS: No comments from Council.

ADJOURNMENT:

Vice Mayor McGoffin moved to adjourn the meeting at 9:07 p.m. Seconded by Councilmember Moncada. Motion passed 7-0.

Toney D. King, Sr., Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk