

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD MARCH 12, 2018 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 7:03 p.m. with the Pledge of Allegiance.

Mayor King then introduced Pastor Linda Larsen of the Huachuca United Methodist Church to who offered the invocation.

**ROLL CALL:**

Present were: Mayor Toney D. King, Sr., Vice Mayor Joe Konrad, Councilmembers Pat Boyle, Larry Dempster, Lupe Diaz, Levi Garner and David Lambert.

**EMPLOYEE RECOGNITION:**

Mayor King recognized Asher Arnold with the Police Department for 15 years of service with the City. Mayor King then recognized Kenneth Buckner with the Golf Course for 5 years of service with the City.

**PROCLAMATION:** None

**PUBLIC HEARING:**

The Mayor and Council will be available to receive comments from the public regarding a change in the transit schedule and a project for which financial assistance is being sought from the U.S. Department of Transportation. Grant funds will be used to provide general public transit to the residents and visitors of the City of Benson and the surrounding communities.

Mayor King opened the public hearing regarding financial assistance being sought and changes in the Transit schedule at 7:10 p.m. Mayor King stated no one signed up to speak and asked if there was anyone present who would like to speak. After receiving no responses, Mayor King closed the public hearing at 7:10 p.m.

**CALL TO THE PUBLIC:**

Paul Lotsof, a non-resident and business owner of the Cave FM radio station in Benson addressed the Council regarding the special taxing districts on behalf of the Vigneto Development, stating it appears the Council has turned a blind eye to El Dorado and appear to be of the opinion that Vigneto was a gift from above and that the El Dorado Officials can do no wrong, therefore we should have total faith in them and not be concerned with anything improper that could take place. Mr. Lotsof then stated many people do not share the high esteem for the El Dorado leadership and their actions, adding Arizona law requires board meetings for special taxing districts be open to the public, and the public should be given some notice on when and where these meeting should take place. Mr. Lotsof then noted minutes of the meeting must be taken, but there is no requirement that they be recorded and it also appears that there is no requirement that the meeting take place in a community were the districts are located, noting the board meeting can take place in Phoenix at 3 a.m. if the board wanted. Mr. Lotsof then stated the board meetings should be recorded and the recordings be made available on websites that should be publicized, adding there should also be a link on the City's website, so the public can easily find the recordings of the board meetings along with agendas and approved minutes. Mr. Lotsof then stated if this public information is not presently in the works, the City should put pressure on the district boards to make their action accountable to the public. Mr. Lotsof then spoke about a contract the City entered into in 2016 with a company

that provides plumbing insurance for property owners. Mr. Lotsof stated the advertising uses the City's logo and letterhead and is downright deceptive, adding they make their offer look like it's from the City, but it's not. Mr. Lotsof then stated he pointed out the questionable advertising tactics this company uses before the Council approved the contract. Mr. Lotsof then stated on Friday evening he was watching the channel 4 news, and saw a special report on a Tucson family that bought the insurance from the same company after receiving sales material on Tucson City letterhead, adding the husband and wife felt like they had been misled by the advertising, but far worse, the company declined to pay the claim when their sewer line failed. Mr. Lotsof then stated the contract calls for the City of Benson to get a commission of .50 cents a month per policy sold, adding the revenue the arrangement generates is minuscule and is hardly justification for the problems this contract can cause, adding when the time comes to renew the contract, it should be terminated. Mr. Lotsof then stated he had a sample letter sent to a Tucson residence to be distributed to the Council.

**CITY MANAGER REPORT:**

Interim City Manager Vicki Vivian addressed Council, giving the dates of upcoming meetings and events.

- Saturday, March 17, 2018 – Historic Preservation Commission, 9:00 a.m., City Hall
- Monday, March 26, 2018 – City Council Meeting, 7:00 p.m., City Hall
- Tuesday, March 27, 2018 – Community Watershed Alliance, 6:30 p.m., City Hall
- Tuesday, April 3, 2018 – Planning & Zoning Meeting, 7:00 p.m., City Hall
- Monday, April 9, 2018 – Council Meeting, 7:00 p.m., City Hall

Saturday, March 17, 2018 – Benson City Grille, San Pedro Golf Course will be hosting a St. Patrick's Day dinner from 5:00 p.m.- 8:00 p.m. Corned Beef and Cabbage

Saturday, March 24, 2018 – Benson City Grille, San Pedro Golf Course will be having a Wine Tasting from 5:00 p.m.- 7:00 p.m. Golden Rule Vineyards from Cochise, AZ

Saturday, March 31, 2018 – Annual Easter Egg Hunt, 10:00 a.m. at Lions Park, sponsored by the Benson Firemates and the Jr. Women's Club.

Gather at the large ramada where the kids will be separated by age groups. There will also be a free Easter basket raffle and free Eegees after the hunt.

The Jr. Women's Club is trying something new this year and will be doing a carnival on the east side of the soccer field from 10:30 am to 12:30 pm. They are having games in which you can win prizes (similar to their Halloween carnival). The games will include a cupcake walk. The tickets are .25¢ or 5 for \$1.00. They will also be selling raffle tickets for a chance to win a bike and they have 4 bikes to raffle off.

Ms. Vivian then stated she and Deputy Clerk Denise Tapia met with Ms. Kaileigh Thompson and Ms. Linda Lamb regarding the Youth Council, adding Ms. Thompson is creating an application which will be distributed the week of March 19. Ms. Vivian then stated there will also be ads in the newspaper on March 14 and March 21 soliciting participation, noting the applications will be due on March 29 and appointments will be made after that.

Mrs. Vivian then stated for a full list of events, activities, locations and times, the public could view the City's website at [www.cityofbenson.com](http://www.cityofbenson.com)

**NEW BUSINESS:**

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

- 1a. Minutes of the October 23, 2017 Regular Meeting \*
- 1b. Invoices processed for the period from February 15, 2018 through March 1, 2018 \*

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

2.

**Discussion and possible action regarding Resolution 8-2018 of the Mayor and Council of the City of Benson, Arizona, authorizing the City Manager to apply for Arizona Department of Transportation Section 5311 Funds to operate a Rural Public Transit System – Bradley J. Hamilton, P.E./City Engineer, Public Works Director \***

Interim City Manager Vicki Vivian stated Staff is seeking approval and authorization from the City Council to apply for the Arizona Department of Transportation Grant for rural transit (i.e. BAT), adding the public hearing has been held fulfilling the requirements of the grant application. Ms. Vivian then stated the grant funding will be used for the continued operation of the City's Dial-a-Ride service and fixed-route programs, benefitting the area residents and Transit Manager Kathe Williams is here to answer any questions the Council may have.

Vice Mayor Konrad asked what changes were made with Ms. Williams stating the only change in the grant is the expansion of a deviated fixed route, adding there will be a more detailed discussion at the next Council meeting. Ms. Williams then stated the changes will help ease the Dial-a-Ride burden and bring people from outlying areas such as St. David, Pomerene, J-6, Mescal into Benson, where they can use the fixed route.

Mayor King asked about prior service to these outer areas with Ms. Williams stating the expanded service will be similar to the original service; then noted one of the main reasons for the expansion is to lessen the load on the Dial-a-Ride service because it's being used in those areas more than probably necessary and a deviated flexed route will help offset it.

Mayor King then noted the transit services had over 14,552 rides last year with Ms. Williams confirming this information.

Councilmember Garner moved to approve Resolution 8-2018. Seconded by Councilmember Lambert. Motion passed 7-0.

**Discussion and possible action regarding Resolution 9-2018 of the Mayor and Council of the City of Benson, Arizona, approving an Arizona State Forestry Division Cooperative Intergovernmental Agreement, for the protection of its forests and wildlands – Keith Spangler, Fire Chief \***

Fire Chief Keith Spangler stated this is a renewal of the Cooperative fire rate agreement the City uses to bill the State Forestry Division for fires the fire department responds to outside the City limits and is a 2-year contract.

Vice Mayor Konrad stated the City has the equipment on hand, then asked if the personnel were available should they be dispatched with Chief Spangler stating it depends. Chief Spangler then stated with a volunteer department, if the personnel are available, they are sent; however, the City must be covered first. Councilmember Garner asked if the fire department bills for all out-of-City calls, as long as they're not county mutual aid calls. Chief Spangler confirmed, stating the City doesn't bill for mutual-aid calls with the exception being wildland fires outside the City limits. Councilmember Garner then asked if engine 711 was the engine the City got on the grant a couple of years ago with Chief Spangler confirming it was. Councilmember Garner then stated that was the highest paying truck and asked how many assignments it went on last year with Chief Spangler stating it went on no calls. Councilmember Garner then asked about pay from the State Forestry when the City bills for an incident and if that money goes into the general fund or somewhere else with Chief Spangler stating there's two portions of payments; the portion that pays for the employees that goes back to Benson Volunteer Fire Inc., and the other part that goes to the City, adding he would guess that portion goes into the general fund. Interim City Manager Vicki Vivian stated there is a line item in the budget for that revenue she believes is in the general fund, noting the

line item is titled wildland revenue. Ms. Vivian then noted she had sent the Council an email regarding the wildland fire revenue a few weeks ago.

Councilmember Lambert moved to approve Resolution 9-2018. Seconded by Vice Mayor Konrad. Motion passed 7-0.

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

**ADJOURNMENT:**

Vice Mayor Konrad moved to adjourn at 7:26 p.m. Seconded by Councilmember Garner. Motion passed 7-0.

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Toney D. King, Sr., Mayor

ATTEST:

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Vicki L. Vivian, CMC, City Clerk