

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD APRIL 10, 2017 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 King then introduced Pastor Kirk Sorenson of the First Assembly of God who offered the invocation.

ROLL CALL:

Present were: Mayor King, Vice Mayor Joe Konrad, Councilmembers Pat Boyle, Levi Garner, David Lambert, Crystal Lewie and Lori McGoffin.

EMPLOYEE RECOGNITION: None

PROCLAMATION: None

PUBLIC HEARING:

Mayor King welcomed those in attendance to the Community Development Block Grant Public Hearing, then stated another public hearing would be held in the near future. Mayor King stated the Public Hearings are held to gather citizen input on the use of Community Development Block Grant (CDBG) funds. Mayor King then read a list of previously completed projects that included water, sewer and gas system improvements, the City library expansion and large print books for the City library, street improvements including paving, curbs and sidewalks, installation of ADA compliant restrooms at Lions Park and others. Mayor King then stated those who would like a list of projects completed since 1982 could contact City Clerk Vicki Vivian during business hours. Mayor King then stated there are certain types of projects that are eligible for CDBG funds and emphasized that the projects must principally benefit low- and moderate-income persons. Mayor King then stated some of the eligible projects included water, sewer and gas system improvements, road and street improvements, flood and draining improvements and public housing rehabilitation, adding a more comprehensive list of eligible projects could be obtained from the City Clerk.

Mayor King then opened the public hearing at 7:06 p.m. and stated no one had signed up to speak. Mayor King then asked if there was anyone present who did not sign up but wished to speak.

Philip Stearn, no address given, stated he moved here about 11 days ago, adding he was an IT Technician by trade and specialized in computer repair and information security. Mr. Stearn then stated in his spare time, he liked to do community outreach, adding for 7 years in South Florida, his focus was on the homeless and trying to get everyone into the healthcare system for mental issues. Mr. Stearn then stated he has noticed Benson has the #1 ranked school district in Arizona, but he didn't see anywhere in town for kids to hang out. Mr. Stearn then stated he has also noticed a bit of a drug problem, adding prevention is the best way to keep new drug addicts and new homeless people from happening. Mr. Stearn then stated his suggestion would be to possibly use the community center or the property where the motel was to create a youth center, which would be a safe, drug-free place for kids to hang out, adding all it would need is Wi-Fi. Mr. Stearn then stated when the kids aren't there, the center would be a great place for entrepreneurs to use until they could afford a lease on a storefront. Mr. Stearn then stated his specialty for now will be youth outreach and economic revitalization.

Stephen Insalaco, Pinto Place, J6, stated it was not really clear to him how the grant can be used, but it sounded like it could be used to repair homes or dwellings. Mr. Insalaco then commended the City for the Benson Motel demolition, adding it was an eyesore that needed to go away and he was wondering if any of this grant money could be used to demolish or repair other existing old buildings to give the City an uplift in its appearance.

Jeff Cook, Huachuca Street, Benson, stated this has been on his mind for a while and he knows it must benefit low-income persons or address areas of slum and blight. Mr. Cook then stated he spoke with the person who owns the motel directly west of the Benson Motel and learned there are a lot of old homes in the area of 5th street where it intersects Hwy 80, adding it might be possible to alleviate the slum and blight and help bring these old dwellings up to a place where they're not going to be condemned or continue to be condemned. Mr. Cook then stated he was not suggesting the money be provided to remodel an entire house, but the City could save some old buildings that still exist in Benson. Mr. Cook stated the house right next to the library was demolished, but it could have been saved and the HiWo house behind the store was demolished even though it could have been saved or moved. Mr. Cook then stated across the tracks at the San Pedro crossing, there was a double-roofed house and another house behind it that were both demolished with grant funds. Mr. Cook then stated grant funds were to bring the buildings up to a condition to be saved, but instead the money was used to demolish them, adding he thinks that was a crime, but he doesn't know if it's a crime that could be prosecuted, but it was a moral crime regardless. Mr. Cook then stated he thought some of the grant should be used to save some of the really old buildings that still exist in Benson.

Mayor King asked if anyone else present would like to speak. After receiving no responses, Mayor King thanked those for their comments and closed the public hearing at 7:13 p.m.

CALL TO THE PUBLIC:

Stephen Insalaco, Pinto Place, J6, stated he wanted to address the prevailing conflict of interest situations during this and the previous Council meeting. Mr. Insalaco stated in the previous Council meeting, Mr. Stephens stated he wanted to discuss Agenda Item 3 in public and without so much as a vote to change the agenda order, the Council immediately engaged the second executive session without entertaining Agenda Item 3 in public as requested. Mr. Insalaco then stated the mere presence of 2 executive sessions in tandem essentially on the same topic, guaranteed the Council would reach a decision in executive session on the matter without ever entertaining it in an open forum, which is in violation of Paragraph 7.6.7 of Arizona open meeting law. Mr. Insalaco then stated even more disturbing is that the open meeting laws clearly state that if an executive session is to be conducted regarding the status of a City official, that individual is to receive written notice of the respective agenda item within 24 hours of the meeting, separate and independent of the regular Council meeting notice. Mr. Insalaco then stated Mr. Stephens clearly indicated in the previous Council meeting, that he had no idea what the agenda item was about and no one had told him anything, therefore, it appears the Council violated the state statute and Mr. Stephens' rights as an officer of this public body. Mr. Insalaco then stated he was wondering if the same infraction was being committed again. Mr. Insalaco then stated even more disturbing was the apparent collusion between the Mayor and the Vice Mayor in the last Council meeting when they attempted to engage in a private dialogue before the public during an open forum, using whispers and hands to conceal private dialogue from the public three times during that meeting. Mr. Insalaco then stated in a related matter, while it was understandable that employee furloughs proposed by Mr. Stephens may not have been popular with some City employees, it's also understood that Jesse Konrad, the son of Vice Mayor Joe Konrad, left City employment in that same timeframe. Mr. Insalaco then stated Chapter 8 of the Arizona agency handbook clearly identifies conflict of interest situations where Councilmembers are not to participate in some agenda items. Mr. Insalaco then stated while Vice Mayor Konrad's son may no longer be employed by the City, the Council deliberating on Mr. Stephens' employment performance during that same timeframe and present puts Vice Mayor Konrad in a position to leverage any possible dissatisfaction he may have of Mr. Stephens due to financial factors imposed on Jesse Konrad's finances by Mr. Stephens' furlough proposition. Mr. Insalaco then stated since Jesse Konrad was a family member of Councilmember Konrad within the 3rd degree, it would seem reasonable that a conflict of interest or the appearance of a conflict of interest prevails in this situation if Vice Mayor Konrad participates in the agenda item and the subsequent executive session. Mr. Insalaco then stated his proposition is further strengthened by recent events at the airport with Vice Mayor Konrad accompanying Norman Bradley to visit the airport approximately 6 weeks ago asking questions about airport operations. Mr. Insalaco then stated last Friday, Norman Bradley visited

the airport again and summoned Mr. Stephens to answer questions about airport operations. Mr. Insalaco then stated he understood from airport personnel, in direct attendance to this later event, that Mr. Bradley's questions were more hostile in nature and prosecuted in an interrogation fashion rather than in a friendly inquisitive manner, adding this situation suffers additional consternation due to the fact that Norman Bradley bid unsuccessfully for the Airport Services Coordinator contract; a position awarded largely in part at the discretion of Mr. Stephens. Mr. Insalaco then stated these ideas therefore prejudice both Mr. Bradley and Vice Mayor Joe Konrad in any information derived from those questionable events and delivered to this Council. Mr. Insalaco then stated he didn't believe connecting the dots is too difficult and the idea of a conflict of interest on the Vice Mayor's part in these matters is emphasized by the Vice Mayor's initial stance with Mr. Stephens, the link established between himself and Norman Bradley, the nature of Mr. Bradley's questions and Mr. Bradley's recent visits to the airport during the same timeframe of these agenda items. Mr. Insalaco then stated he believes a serious conflict of interest condition prevails with Vice Mayor Konrad's participation in the agenda item and the executive session and he respectfully requests that Vice Mayor Konrad recuse himself from those agenda items and dismiss himself from the room at the time of the discussion.

Dave Thompson, La Cuesta, Benson stated when he moved to Arizona, he was warned about snakes, adding snakes nest, do a mating dance, take over, and eat up or drive out the good critters; then stated that is what is happening here. Mr. Thompson then stated it looked like snakes at the last Council meeting with Councilmembers' heads bobbing and weaving and coming together with a lot of hissing. Mr. Thompson asked if this is what people want or need and if they were going to let the snakes push the good critters out, adding they don't need facts; they just tar and feather people and run them out of town because they don't like them. Mr. Thompson then stated he sees 5 Councilmembers who he believes to be honest and care about Benson, so he was going to ask those 5 if this is the kind of City government they want; malicious and ego-driven, with strange financial deals, afternoon coffee meetings, and amazingly fast Council motions and appointments. Mr. Thompson then stated it makes him wonder, but he is only a citizen and a voter, adding to some, that doesn't count, especially against ego-driven projects. Mr. Thompson then stated he is turning to the 5 he trusts on Council and is asking them if this is the treatment of Bill Stephens they want, if this is fair and honest and if the Council fires people for doing the jobs Council directed them to do or perhaps did not give them directions. Mr. Thompson then asked the Council if they didn't think that a vote of confidence was due for the Mayor and the Vice Mayor, adding it would cost the nothing, but it might be the most valuable asset the City would have.

Paul Lotsof, owner of CAVE FM, located in Benson, stated he wanted to address the subject of public information, adding as school children, people were taught the hallmark of democracy was a well-informed public and freedom of the press was an integral part of the free society. Mr. Lotsof then stated the media can't inform the public if they are kept in the dark about what's going on and over the years, he's found that getting information from the Benson City government is like pulling teeth. Mr. Lotsof then stated the attitude seems to be what the public doesn't know, won't hurt them, adding if someone asks questions, they would be to get an incomplete or evasive answer, but most likely, they will just get ignored. Mr. Lotsof then stated with that in mind, he'd like to ask some questions and because realistically, he expects no answers, he would call them rhetorical questions. Mr. Lotsof then stated 2 weeks ago, the City Manager disclosed that shortly after he took the job, he learned employees were stealing from the City, then asked why it took Mr. Stephens 3 years to let the public know this. Mr. Lotsof then stated he didn't subscribe to "fakebook" and he considers it to be a very unreliable source of information, but a friend recently referred him to a post that some local residents placed on the site over 2 weeks ago that featured photos of a Benson police car that became badly damaged when it apparently rear-ended what looked like an SUV that also experienced significant damage. Mr. Lotsof then stated the story going around town is that the officer driving the squad car was found to be under the influence of alcohol and/or illegal drugs. Mr. Lotsof then stated his question was did this happen and if it did, why there was no public announcement. Mr. Lotsof then stated during the March 13 meeting, Public Works Director Brad Hamilton disclosed that for several months, the City had been pursuing both the demolition and acquisition of the Benson Motel property, adding the City first went to court in November, then asked why the Council nor the public wasn't informed of this for 4 months. Mr. Lotsof then stated it appeared that the City apparently attempted to notify the property owner, GMAC, who never responded, adding the reason could be that GMAC went

bankrupt several years ago and as nearly as he can piece together, the company's assets were distributed mostly to another financial institution called Ally Bank. Mr. Lotsof then asked if any attempt had been made to reach the real actual owners of the property and if not, why wasn't it. Mr. Lotsof then stated the property at 185 W. 4th Street has been dilapidated for years, then asked why there was the sudden need to do something and whose idea it was to condemn and acquire the property. Mr. Lotsof then stated last summer the Council began to get complaints about the closing of the old Post Ranch Road and after holding a couple of executive sessions, there has only been one public comment from any City official which happened during the December 12 meeting. Mr. Lotsof stated immediately after Scott Sinclair spoke at the Call to the Public, Mayor King had a very brief discussion with City Attorney Paul Loucks and then made a vague comment that either no law had been broken or that the City had broken no law. Mr. Lotsof then asked what the City's official position was and what the position was of Mesch Clark Rothschild and how much money the City has paid Mesch Clark to evaluate Post Ranch Road. Mr. Lotsof then stated it was last June when he appeared during the Call to the Public and asked how much the City had paid to prepare for the Vigneto project he thinks is a hoax, adding he was told to file a formal request in writing, which he did. Mr. Lotsof then stated the City Clerk's response was that she produces records and doesn't have to tally numbers, so he got nothing, which is what he expected. Mr. Lotsof then stated one significant factor here is that the City Clerk can see unredacted bills from Mesch Clark Rothschild and that privilege is not available to him, adding those bills are a big chunk of the Vigneto expense and without seeing them, no dollar figure can possibly be deduced. Mr. Lotsof then stated he would conclude with a brief suggestion, noting the City of Sierra Vista and Cochise County Sheriff's Office have public relations officers, adding a town the size of Benson does not need a full-time public relations person, but maybe some current employee could be in charge of preparing press releases from time to time. Mr. Lotsof stated this would eliminate the need to rely on the rumor mill to find out that the Recreation Director or the Finance Director has resigned and some questions might even get answered. Mr. Lotsof then stated a little bit of public information would go a long way in Benson, adding anything would be better than nothing, which is what is presently in place.

Jeff Cook, Huachuca Street, Benson, stated he spent almost 3 years on City Council with Mr. Stephens as the City Manager, and during that time, he found that as a City Manager, Mr. Stephens was hands-on type of person for City business and as far as the politics went, Mr. Stephens was hands-off, adding Mr. Stephens left that to the Council and to everyone else who wanted to get in any Councilman's ear. Mr. Cook then stated one of the things that struck him the most, was the Mr. Stephens had a hand in cleaning out Mr. Cook's neighborhood of all the druggies, drug dealers and all of the felons of every kind, adding they are pretty much gone. Mr. Cook then stated he has heard Mr. Stephens has done much better than most of his predecessors, adding if he were able to add his 2¢ about the 3 years he spent on Council when Mr. Stephens was the City Manager, he would simply say that Mr. Stephens exceeds expectations.

CITY MANAGER REPORT:

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

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| Tuesday, April 11, 2017 | - Library Advisory Board, 4:00 p.m., City Library |
| Monday, April 24, 2017 | - City Council Meeting, 7:00 p.m., City Hall |
| Tuesday, April 25, 2017 | - Community Watershed Alliance, 6:30 p.m., City Hall |
| Saturday, April 15, 2017 | - Benson Firemates Annual Easter Egg Hunt, 10:00 a.m. at Lions Park. Children up to 12 years of age need to check in at the big ramada no later than 9:45 a.m. Be sure and be there before 9:45, as the eggs go fast!! Bring your own Easter basket or bag to collect eggs in. Free Eegees after the hunt! The event is co-sponsored by the GFWC Benson Junior Women's Club. |

Mr. Stephens then stated this and other events could be found on the City's website.

NEW BUSINESS:

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

1a. Invoices processed for the period from March 16, 2017 through March 31, 2017

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

2. **Discussion regarding the Union Pacific Grant to the City of Benson and the Benson Clean & Beautiful Committee**

City Manager Bill Stephens stated Tourism Director Bob Nilson worked with the Union Pacific Foundation and Mr. Andy Perez, who is here tonight, to apply for and as it turns out, be successfully awarded a \$10,000 grant. Mr. Stephens then stated the grant will be used on the City's map/sign project that was partially funded by Council a few years ago, adding one map/sign was installed in November of 2016 across from Safeway and there are 2 more maps/signs the City needs to negotiate places to install them. Mr. Stephens then stated with the \$10,000 grant that will be presented to the City from Mr. Perez of the Union Pacific Foundation, five more signs will be purchased for a total of eight map/signs around Benson, adding these signs let travelers know where they might find food and lodging in the Benson area. Mr. Stephens then stated a portion of the grant will be used to add to the train display at the Visitor Center. Additionally, Mr. Perez has also asked to present a separate \$5,000 grant to support the Benson Clean & Beautiful organization, allowing additional murals to be painted around the City.

Mayor King invited Mr. Perez and the representatives from Benson Clean & Beautiful to the podium. Mr. Perez stated he feels a lot of love in Benson, adding he got the official bat from the City Clerk and he's is now a certified locomotive operator with a certificate from Mr. Nilson, who drove him to the Visitor Center. Mr. Perez then stated Union Pacific has a proud history with Benson dating back to 1880, adding Benson was the first train town in the entire state of Arizona, and the acknowledgment is proudly displayed at the Visitor Center. Mr. Perez then stated he was the Director of Port and Public Affairs for Union Pacific Railroad, adding approving grants is the fun part of his job and this grant was easy to approve. Mr. Perez then presented a check for \$10,000 to the City. Mr. Perez then addressed Lisa Hill of Benson Clean & Beautiful, stating he appreciates everything they have done; then presented a check for \$5,000 to her. Mr. Perez then stated he had some very special VIP Union Pacific limited-edition coins for the Council and Mr. Nilson, adding he owes one to the City Clerk. Mr. Perez then stated Union Pacific doesn't normally get involved in politics, but they really appreciate the good, working relationship they have with Mr. Stephens, adding the City Council is blessed to have Mr. Stephens and they love working with him.

3. **Discussion and possible action regarding the financial request from the San Pedro Valley Alliance Summer Programs**

City Manager Bill Stephens stated the Council has a request from the San Pedro Valley Alliance for funding in the amount of \$3,000 to help with their 2017 summer activities, adding historically, the San Pedro Valley Alliance in conjunction with various Governor's Office programs and the City, has provided recreation activities for our youth; mainly with trips to movies, water parks, museums and other recreational facilities. Mr. Stephens then stated in the past the City had a specific line item for the San Pedro Valley Alliance with funding available ranging from \$3,000-\$5,000 each year, however, in Fiscal Year 2014-2015 funding was removed from the budget. Mr. Stephens then stated last year Council provided the San Pedro Valley Alliance \$3,700 from the Community Enrichment budget, adding currently, there is approximately \$5,850 remaining in the Community Enrichment budget, under City Promotions.

Mayor King invited representatives from the San Pedro Valley Alliance to come forward. Ms. Nona Hanson stated she has been on the Alliance committee for 25 years and has been taking children on trips for 25 years. Ms. Hanson stated the events are always chaperoned by adults and it's a good experience for the children to go to a variety of places, adding new places have been added to the program because they are

places these kids like to go to. Ms. Hanson then stated the program is a benefit to the children, who need activities they can go on and be safe, noting as the person who spoke earlier pointed out, there isn't much here to do and then added, as a teacher, she feels that activities that take place away from computers are good and she hopes the Council will help fund the program.

Mayor King asked about Betty Williams with Ms. Hanson stating she had retired, and then noting that Jennifer Thomas is the program coordinator and has been for 17 years. Mayor King stated he feels this program is good for the community and one of the biggest benefits is keeping the children off the streets and out of trouble.

Councilmember McGoffin stated her kids went on the trips, then when they were old enough, they chaperoned for the next 5 years, adding this is a great program that gives kids something to do and when they get older, they can chaperone and learn responsibility as well. Councilmember McGoffin then stated she thinks this is one of the best things the City can support and asked Ms. Thomas if there was a specific amount needed for the program. Ms. Thomas stated they were asking for a minimum of \$3,700, adding if there is additional funding, scholarships can be awarded to kids who can't afford the trips.

Councilmember McGoffin then moved to approve \$4,000 to the San Pedro Valley Alliance for their summer programs for children. Seconded by Vice Mayor Konrad. Mayor King stated teachers work all the time and are underpaid, but he appreciated the time they spend on these extra activities, which takes a lot from them. Ms. Hanson then stated they love the kids and this community. Motion then passed 7-0.

4. **Discussion and possible action regarding an Intergovernmental Agreement with Cochise County for Solid Waste Disposal Services**

Public Works Director Brad Hamilton stated this agreement is for the City to be able to dispose of solid waste at the transfer station, which then goes to the County. Mr. Hamilton then stated the agreement is countywide, adding all the cities and towns in Cochise County are signing the agreement, which was derived from the Rate Review Advisory Board (RRAB), noting every city or town has a representative on the Board. Mr. Hamilton then stated the agreement is for 5 years with an optional 5-year renewal, which was at the request of the town of Bisbee.

Councilmember McGoffin stated she knew there had been discussions regarding a countywide increase, but didn't see it in the agreement with Mr. Hamilton stating every year the price is set by the County Board of Supervisors after the RRAB makes a recommendation. Mr. Hamilton then stated while the price may increase next year, this year, the RRAB recommended no increase, adding the RRAB needs to evaluate a few issues. Councilmember McGoffin stated she thought the County was losing money on solid waste with Mr. Hamilton stating the County's sanitation department has been losing money, adding one of the problems that popped up during the recession is a loss of construction debris, which decreased the disposal tonnage and another issue is the price dropping out of recycling, noting it now costs money to recycle.

Mayor King asked about the possible increase and if it would come to Council for approval with Mr. Hamilton stating it would not, adding the County Board of Supervisors adopts the rates before the budget cycle begins. City Attorney Paul Loucks stated the contract stipulates the rates will be set in April each year. Mayor King then stated that would allow the Council to react and take action on the City's sanitation rates before approving a budget, if needed.

Councilmember McGoffin moved to approve the Intergovernmental Agreement with Cochise County for Solid Waste Disposal Services. Seconded by Councilmember Lewie. Motion passed 7-0.

5. **Performance evaluation of the City Manager. See however, Executive Session Item, below**

City Attorney Paul Loucks stated the agenda lists both the public session and executive session at the option of the employee being evaluated and he understood that Mr. Stephens has elected to do it in public.

Vice Mayor Konrad then mentioned the comments at the Call to the Public and asked Mr. Loucks if there was a conflict of interest that needed to be addressed at this point with Mr. Loucks stating the statutes of conflict of interest deal with pecuniary interest, adding his was not aware of any pecuniary interest Vice Mayor Konrad might have in Mr. Stephens' continued employment or evaluation.

Mayor King then stated he had been doing a lot of thinking since the last meeting, adding he was a little hot-headed. Mayor King then stated in the discussion, Mr. Stephens talked about dealing with 7 Councilmembers and it made him realize it may be overwhelming to Mr. Stephens to have all 7 Councilmembers come to him with issues. Mayor King then stated he thought the Council as a whole could possibly pick out 5 to 10 projects they would like Mr. Stephens to work on and Mr. Stephens could then keep the Council informed of his progress. Mayor King then stated he may have overreacted, adding he is worried about the water on Scott street. Mayor King then stated he also thinks the Council needs to get Mr. Stephens help in the form of an assistant being hired as soon as possible to help him get things done. Mayor King then stated he knows he goes into the office and calls a lot and if the Council chooses some workable projects for Mr. Stephens, it would keep Mr. Stephens from going in 10 different directions and would help everyone, adding he is trying to think of a solution. Mayor King then stated the Council could look at different projects, adding he really wants Mr. Stephens to work on the project he spoke to Mr. Stephens about at the League (conference). Mayor King then stated this is a project involves getting rollofs in different parts of Benson for people to use and he really wants to get this project started as soon as possible. Mayor King then stated the Council could choose projects and then wait until they are completed, adding after those are done, the Council could then choose more projects.

City Manager Bill Stephens stated projects are regularly done in the City, noting they do change at times, depending on funding and some of the things Council hears from constituents, but again, he takes direction from Council. Mr. Stephens then stated when there is an issue that comes up, if Council votes to move forward on a project, the Council gives him direction and he then directs Staff and they move forward to try and handle and work the issues, adding there are often a lot of moving parts that have to come together in order to achieve whatever the project may be. Mr. Stephens then stated in most cases, if not all, projects need to come before Council and in some cases, such as the Quiet Zone, they actually come from Council. Mr. Stephens then stated the Quiet Zone, for example, came from Vice Mayor Konrad and Councilmember Boyle, adding Staff worked on that issue to bring forward some information to Council to provide the process and costs. Mr. Stephens then stated again, he takes direction from Council and works with Staff to bring the item forward to them, adding that is how things are currently handled and he's more than happy to continue in that particular manner.

Mayor King stated he understood it would be better to have the Council address and decide on projects or things in a meeting instead of Councilmembers going to Mr. Stephens individually with Mr. Stephens stating if a Councilmember does bring an issue to him, he asks if they would want the issue on an agenda. Mr. Stephens then stated this is because the Councilmembers represent the constituents in the community and the taxpayer dollars they contribute through sales tax, property tax, etc. Mr. Stephens then stated it's the constituents community, nothing it was his community also as he is a citizen here as well. Mr. Stephens then stated he thinks whenever an individual Councilmember comes to him with a thought or an idea, the Councilmember may have talked to some of their constituents and his question to the Councilmember is if the issue is something they would like to place on the agenda. Mr. Stephens then stated as Council knows, any Councilmember can place an item on the agenda, adding if the Mayor doesn't want the item on the agenda, the Councilmember simply gets a second Councilmember to sponsor the item and it is placed on the agenda. Mr. Stephens then stated he knows he and the Council have to be careful about moving forward together at any given time to not violate the open meeting laws, so it makes it very difficult to discuss any given project with any group. Mr. Stephens then stated he would rather bring the item to the Council in an open public forum so that it can be discussed and then voted on as needed. Mr. Stephens then stated sometimes the Council doesn't vote on those projects, but Staff moves forward with direction from Council to do a worksession, for example. Mr. Stephens then stated whatever the projects are, if Council wants to bring those forward, he will work, through Staff, to get them accomplished and like always, Staff will bring back milestones to show Council where the process is at, what has been done and where it's at in terms of studies or cost comparisons, etc.

Mayor King stated through his assumption, he was wrong and from now on, he would bring projects forward to the Council. Mayor King then apologized to Mr. Stephens for not doing that in the past.

Councilmember Garner stated he reviewed the City Manager's contract and the contract contained a provision that the Council was supposed to give the City Manager a performance evaluation. Councilmember Garner then asked if there was a written policy or procedure on how the review is supposed to be done and if not, if it should be on a future agenda. City Attorney Paul Loucks stated there was no procedure for the evaluation of the City Manager and it was perfectly appropriate for a future discussion. Councilmember Garner then stated since an evaluation was in the contract, he would like to see a policy or procedure on how the Council is supposed to do it on a future agenda.

Councilmember McGoffin stated she has been very pleased with Mr. Stephens and his performance over the last 2 years, noting she has only been working with him 2 years, but she knows he's been here for 3. Councilmember McGoffin then stated she is really good at calling him, not knowing when he's on vacation, and 90% of the time, he still answers the phone, adding she appreciates that. Councilmember McGoffin then stated Mr. Stephens always directs her to who she needs to talk to that's in town and stated he always leaves the people he feels are qualified in charge. Councilmember McGoffin then stated when she has a problem, she goes to Mr. Stephens and gives him the information, adding she presents him with a problem and it's his job to handle it; then noted, she hasn't had any complaints on him handling things and she doesn't have a problem with the way he handles things. Councilmember McGoffin then stated she is pretty sure the Council gave Mr. Stephens a lot of vacation to compensate for the low pay he receives compared to what other towns the size of Benson pay their City Managers, and it may be due to timing, but it seems like Mr. Stephens takes a lot of vacation time. Councilmember McGoffin then stated she would prefer him limit his vacation during budget time.

Mayor King stated Mr. Stephens was off this week, but it had already been approved with Mr. Stephens stating he projected out his vacation all the way through December, which is something he did in the past. Mr. Stephens then stated the projection is used for planning purposes, but his vacation could change, adding if something critical comes up, he would cancel his vacation, without question.

Councilmember Lewie stated she didn't have much to say, but she did listen to all the positive remarks and all the things Benson has been able to accomplish with Mr. Stephens, then stated she would like to have performance evaluations. Councilmember Lewie then stated the only question she had was if the Council was able to meet with Mr. Stephens; to sit down with him and put something on an agenda and if the City Clerk had to post that all the Council would be together for that.

Mr. Stephens stated in his contract, it stipulates that the Mayor and Council can give appraisals at their pleasure, as often as they like, but not less than once a 1 year, adding if the Council wants to meet once a week, once a month, once a quarter, every other month or whatever they agree on, that would be fine with him. Mr. Stephens then stated he would encourage that if, for some reason, he's not doing what he needs to be doing and it's becoming painfully obvious. Mr. Stephens then stated he would encourage that and he's open to meeting with Council as often and regularly as they would like, adding a quorum notice could be posted whenever that is scheduled to happen.

Councilmember Boyle stated that for any discomfort Mr. Stephens may have suffered on his account in the last couple of weeks, he sincerely apologized, adding he never intended it to be that way. Councilmember Boyle then stated the way it all came out was not good and for his portion of that, he apologized. Mr. Stephens thanked Councilmember Boye, telling him he appreciated that very much.

Councilmember Lambert stated Mayor King brought up projects and he strongly agrees with the Council choosing projects, adding the Council used to have retreats once a year and each Councilmember would tell the City Manager and Staff about individual projects they wanted to see because they each have their own things they would like to see accomplished. Councilmember Lambert then stated Councilmember Garner spoke about setting up a policy, adding he wanted to set up a policy as well. Councilmember Lambert then

stated the Council needs a policy on how they will review the City Manager, adding not just how to review Mr. Stephens, but how future Councils will review future City Managers. Councilmember Lambert then stated he's done extensive studying over the last few weeks because of what happened and he looked at 4 or 5 different cities, big and small, and how they do written evaluations. Councilmember Lambert then stated one of the best ones he saw had several questions and each Councilmember rated the City Manager on a scale of 1 to 5, with 5 being the highest, adding the scores were then averaged and this method would show what the City Manager's true abilities are. Councilmember Lambert then stated he thought the Council needed to put a policy in the employee handbook addressing how the Councilmembers are going to evaluate the City Manager. Councilmember Lambert then stated he agrees with Councilmember McGoffin, stating he's very happy with Mr. Stephens' performance, adding Mr. Stephens is available almost 24 hours a day.

Vice Mayor Konrad stated the feedback he was receiving from people was mostly negative, but a couple of weeks ago, the Council had a meeting, and the overwhelming feeling was that the negative feedback was wrong. Vice Mayor Konrad stated the people who spoke on Mr. Stephens' behalf were more than willing to stand here before God and everyone and say what was on their mind and they should be commended for that, adding that is what makes this whole thing work. Vice Mayor Konrad then stated no one heard from the detractors at the meeting, in public, and that says a lot to him, adding sometimes perception becomes reality, and the reality made itself pretty clear. Vice Mayor Konrad then stated back in November 2013, the Council at that time laid out some guidelines on what they expected from the City Manager, and building on what Councilmember Garner and Councilmember Lambert talked about, it may be good to establish a base and actually do a performance review at this time. Vice Mayor Konrad stated to do a review that makes any sense, he thinks the Council would need to have expectations outlined for Mr. Stephens and then review that, adding if the Council hasn't given Mr. Stephens clear expectations, a review isn't really fair. Vice Mayor Konrad then stated he agrees with moving forward and maybe doing periodic reviews so things don't build to a big mess. Vice Mayor Konrad then stated, again, the feedback he was getting was overwhelmingly negative, but it was not the consensus of the town, adding he represents the town. Vice Mayor Konrad then stated at point, everyone needed to move forward, adding there is no sense in looking back; then stated he thinks progress has been made, but he does think the Council needs to establish a baseline before they try to do a performance evaluation. Vice Mayor Konrad then stated maybe that can even be worked into the policy. Vice Mayor Konrad then stated having been a high-level manager for several years, managing other managers, he's found a lot of times, performance reviews are based on "what have you done for me lately", which is out of the question and doesn't work in any situation. Vice Mayor Konrad then stated he doesn't want to see that kind of thing happen, adding it's not good for anyone. Vice Mayor Konrad then stated the Council needed to establish what they expect as a Council, not what any individual Councilmember expects, and if the Council, as a whole, can lay out expectations that are inline with the goals of the town, then they can build something from there. Mr. Stephens stated he appreciated that and thanked Vice Mayor Konrad.

Mayor King stated it would be good to have a retreat in the near future, adding Council could then lay out their expectations and guidelines of an evaluation process. Mayor King then stated the last retreat was all about the budget, so it would be good to include laying out the Council's expectations. Mr. Stephens asked if the Council would like to have the retreat in the next 2½ months as the budget was being worked on with Mayor King stating he would like to have the retreat soon, adding that way projects could be programmed into the budget. Mayor King then stated he would like to see the cleaning up of Benson as a project and he knew Councilmember Lambert was interested in a youth council and a K9 statue. Councilmember McGoffin asked that the retreat not be held until the end of April or in May.

Mayor King then stated he wanted to apologize to Mr. Stephens, adding he maybe should have sat down with Mr. Stephens more and worked out a few things, then apologized again for the way things turned out.

Councilmember Lambert stated he had sat down with Mr. Stephens multiple times, adding he knows Mr. Stephens has short-term goals and long-term goals. Councilmember Lambert then stated one of the long-term goals is for this exact reason, adding the goal is to have a retreat for the strategic plan this November so the Council can get in line with the budget and everything else for the upcoming year. Councilmember

Lambert then stated those were things Mr. Stephens was going to do later in the year, but the Council could separate those and move them forward easily enough. Councilmember Lambert then stated the only reason these were scheduled to be held after July 1 was the budget.

Mayor King stated he as big on cleaning up Benson and he was going to push for it, adding he had already spoken to a few people about it and he would like to see it put in the budget and have it done.

Councilmember Lambert then stated in the meantime, the Council could possibly, as a body, direct the City Attorney to work on the policy change to set up some type of policy the Council could all agree on to evaluate Mr. Stephens. Councilmember Lambert then stated once the Council holds the worksession and has a baseline, they could actually do a review.

Mayor King stated one step further would be for Councilmember Lambert to gather evaluations from the other cities he talked about and put them together for the City Attorney. Councilmember Lambert then stated the City Attorney sent some evaluations to the Council over the last few weeks, adding he went through those and then wanted to see the differences in the processes, so he called a few people on the Councils and got a lot of information on why some cities do written evaluations instead of oral evaluations and why some are held in executive sessions and some are held in public meetings.

Vice Mayor Konrad stated Mr. Stephens was to be commended for forcing the Council to discuss this item in a public forum and he thanked Mr. Stephens for that. Vice Mayor Konrad then stated he thinks it is better to get this out since it involves the community and again, thanked Mr. Stephens for that.

Mr. Stephens thanked Vice Mayor Konrad, stating he appreciated the comments and this didn't go the way he thought it might, adding he appreciated that very much. Mr. Stephens then stated he would also like to say he appreciated all the comments and all the support from the public, noting without it, he may have packed his bags and left of his own volition. Mr. Stephens then stated he learned a long time ago that he is responsible for what he does and if he waves at someone and they ignore him; again, he is only responsible for what he does. Mr. Stephens then stated he didn't want to quit, adding he feels the commitment to be here and the commitment to serve all 7 of the Councilmembers or anyone who sits on this Council, therefore, he will give his absolute best effort to do so. Mr. Stephens then stated he does make mistakes and he's more than happy to admit when he failed to remember something or didn't double back and accomplish something. Mr. Stephens then stated with that said, he made another phone call to the individual (regarding the clean up program) and has not gotten a response. Mr. Stephens then stated the person was supposed to call him back today, but didn't, adding he would call the person again and try to get some input to move forward with the issue. Mr. Stephens then thanked the Mayor and Council for the opportunity and the public for being here and supporting him.

EXECUTIVE SESSION: Pursuant to A.R.S. §38-431.03(A)(1), performance evaluation of the City Manager. This matter may, at the option of the City Manager, be discussed and considered in public pursuant to the above applicable New Business agenda item.

DEPARTMENT REPORTS: No comments from Council.

ADJOURNMENT:

Councilmember McGoffin moved to adjourn at 8:14 p.m. Seconded by Councilmember Lewie. Motion passed 7-0.

Toney D. King, Sr., Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk