

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD JULY 22, 2019 AT 7:00 P.M.  
AT THE BENSON COMMUNITY CENTER, 705 W. UNION 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 welcomed Councilmember Dempster back. Councilmember Dempster stated he had a heart attack about 2 months ago; subsequent to that he had bypass surgery and due to some complications he was placed under strict quarantine. Councilmember Dempster stated he would like to thank everyone for their messages.

**ROLL CALL:**

Present were: Mayor Toney D. King, Sr., Vice Mayor Joe Konrad, Councilmembers Pat Boyle, Larry Dempster, Lupe Diaz, Nick Maldonado and Barbara Nunn.

**PROCLAMATION:** Mayor King read a proclamation declaring August as “Child Support Awareness Month.”

**CITY MANAGER REPORT:**

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

Tuesday, August 6, 2019 – Planning & Zoning Meeting, 7:00 p.m., Community Center  
Monday, August 6, 2019 – City Council Meeting, 7:00 p.m., Community Center

Saturday, July 27, 2019 – Benson City Pool –

Wrap up Pool Party! Saturday, July 27 from 11:00 a.m.- 5:00 p.m., Free Admission! Sponsored by the Sun Valley Rides Carnival

Pool hours and the pool activity schedule is available at [www.cityofbenison.com](http://www.cityofbenison.com)

**NEW BUSINESS:**

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

- 1a. Resignation of Elton Bowman from the Benson Planning and Zoning Commission
- 1b. Reappointment of Mark Fenn to the Board of Appeals
- 1c. Resolution 21-2019 of the Mayor and Council of the City of Benson, Arizona, (“City”) approving and authorizing the execution of an Intergovernmental Agreement between the City and the Benson Unified School District #9 (“District”) to permit reciprocal use of the buildings and grounds of the City and the District
- 1d. Intergovernmental Agreement between the City and (ADOT) the Arizona Department of Transportation to gain access to their data base
- 1e. Invoices processed for the period from June 28, 2019 through July 10, 2019

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

2. **Discussion and possible action regarding Resolution 22-2019 of the Mayor and Council of the City of Benson, Arizona, recommending approval of the Acquisition of Control of the Liquor License at Unlit Vapor Shoppe LLC, 600 W. 4th Street, Benson, Arizona**

City Manager Vicki Vivian stated Morgan Casey Salas, the owner of the Unlit Vapor Shoppe LLC, located at 600 W. 4th Street, has applied for acquisition of control of the liquor license and the procedures have been followed according to A.R.S. §4-201 and §4-203(F), with no written arguments in favor of or opposed to the issuance of the license being received. Ms. Vivian stated we are now at the step where the governing body of the City or Town shall then enter an order recommending approval or disapproval within sixty days after filing of the application and once Council makes a recommendation, the proper documents will be forwarded to the Arizona Department of Liquor Licenses & Control. Ms. Vivian stated there was an error noted in the application that the Unlit Vapor Shoppe is not in the City limits, but it is, adding the administration office will note that when the documents get forwarded to the state.

Unlit Vapor Shoppe owner Amanda Salas stated the Unlit Vapor Shoppe has been in the Benson community since 2013 and they pride themselves on offering a safer alternative to tobacco products. Ms. Salas stated they have hundreds of people make the switch to vaping and some no longer even vape. Ms. Salas stated in the 6 years they have been in business, they have met many people age 18 and over who were desperately looking for a way to quit chewing or smoking tobacco and she and her husband Morgan Salas have encouraged people to quit nicotine products completely by offering products that have zero nicotine in them. Ms. Salas then stated while some people 18 and over may walk in the door needing nicotine, they will eventually walk out needing little or none at all, adding Mr. Salas is one of those success stories. Ms. Salas stated entertainment is something the community needs and they purchased the property on 600 W. 4th Street with the intention of providing a safe, controlled environment for entertainment. Ms. Salas then stated the property is divided into 2 sections; one for vaping and retail of vaping and the other for live music and entertainment, adding each area is age-appropriate per state and federal regulations for vaping and alcohol and are separated by a monitored door. Ms. Salas then stated the door is covered by a person trained in the state of Arizona and who is at the front desk checking identification, adding there is also a camera-monitored recording system. Ms. Salas stated due to the nature of their business, age compliance is very important to them, noting they have a strict “have your I.D. ready,” even if they already know someone and notices reading “18 years and older only” are posted in several places throughout the building. Ms. Salas stated they will not cater to anyone who does not meet the laws’ criteria and they are steadfast in this not just because it’s the law, but because of their own world values. Ms. Salas stated they are business owners, but they are parents first. Ms. Salas then stated when they took this business on, their youngest was 14 years old and none of the children vaped until one of them came home with a little in his mouth trying to tell her it was a mouthguard he had taken off. Ms. Salas stated she cried a little bit and he is on vape, but her other 2 children do not drink and have never vaped. Ms. Salas stated they love Benson and the community, and they are grateful to have been able to raise their children in such a wonderful place, adding they intend to treat it with the same respect and ethical practices they all have for the future generations to come.

Councilmember Diaz stated they do have a beautiful little place, adding it’s clean, presentable and everything is in order. Councilmember Diaz then stated having the concept of the music is really amazing, but he does have a couple of reservations, like the age limit in the vape shop. Ms. Salas stated a customer needs to be 18 years old for vaping and with a liquor license, customers have to be 21 years old. Councilmember Diaz stated his only reservation is that there are mixed ages in the same venue during the same operating hours, adding if it was only a club for 21-year olds, he wouldn’t have a problem with it. Councilmember Diaz then stated he has voted for liquor licenses before. Mr. Salas stated he wanted it to be known that they are not applying for a full liquor license; but a beer and wine license only, with no hard liquor and no spirits being sold or consumed. Councilmember Diaz stated in a restaurant environment, people go to eat and drink in moderation; then asked if there will be food served. Ms. Salas stated their intent is to bring a food truck in called Desert Sky Hamburgers and More. Councilmember Diaz asked when that would take place with Ms. Salas stating the business owner is going through the County process now so it would be possibly 4-6 weeks out. Councilmember Diaz asked if the liquor license would cover the whole property with Ms. Salas stating the liquor license covers the building and the south end of the patio. Councilmember Diaz then asked Ms. Salas to

explain the controls. Ms. Salas stated they only use trained staff and utilize recorded monitoring video and audio logs. Ms. Salas then stated they do not serve peanuts and chips and they make sure when the patrons walk in that they are not already intoxicated. Ms. Salas stated they take special measures because their children are there. Councilmember Diaz asked if the Vape Shoppe and the entertainment side will be open at the same time with Ms. Salas stating they would be, but there would be 2 different entrances for each. Mayor King stated he doesn't see any difference between this and the special events that happen in the community, adding when someone gets issued a liquor license, they have to go through a lot. Mayor King then stated he feels this will be good for the community. Councilmember Nunn stated this is a service that is helping people get off nicotine, it's a great deal and she is 100% behind them.

Vice Mayor Konrad moved to approve Resolution 22-2019. Seconded by Councilmember Nunn. Motion passed 6-1 with Councilmember Diaz voting nay.

3. **Discussion during and/or after presentation by City staff of City Finances, with emphasis on May 31, 2019 financial results, current year budget process, and the City's financial position at May 31st, 2019**

Finance Director Seth Judd stated he will be going through the numbers for May, 2019 and will be comparing Fiscal Year 18 (FY 18) and FY 19, adding for a point of reference, 92% of the fiscal year has passed as of May 30th. Mr. Judd then stated for the month of May, the City brought in \$856,675 compared to \$795,814 last year, which is an increase of \$60,861. Mr. Judd then stated year-to-date the City brought in \$11,148,205 compared to \$10,491,740 last year, which is an increase of \$656,465. Mr. Judd stated expenses for the month of May last year were at \$654,089 compared to this year at \$795,366, adding that is an increase of \$141,277 for the month and \$175,606 for the year. Vice Mayor Konrad stated that it looks like the bulk of the difference occurred in the month of May, and asked what it was attributed to, with Mr. Judd stating there was nothing out of the ordinary, but there were a few repairs around the City that needed to be done. Vice Mayor Konrad stated the repairs didn't necessarily happen in May, but were reported in May with Mr. Judd stating that was correct; then noted there were some repairs done to the utility system and other things happened. Mayor King stated there is one month to go in the current fiscal year, but on record it looks like the City will be in the black with Mr. Judd stating the Mayor was correct, adding the net position for the City in May is \$61,309 compared to \$141,725 to last year, which is a decrease of \$80,416, but year-to-date, the City is up \$480,859. Mr. Judd stated most of the funds are on track to be in the black for the year.

There was no Council discussion.

**CALL TO THE PUBLIC:** None due to adjournment.

**DEPARTMENT REPORTS:** None

**ADJOURNMENT:**

Vice Mayor Konrad moved to adjourn at 7:23 p.m. Seconded by Councilmember Dempster. Motion passed 7-0.

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Toney D. King, Sr., Mayor

ATTEST:

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Vicki L. Vivian, CMC, City Clerk