

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD SEPTEMBER 26, 2016 AT 7:00 P.M.  
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

**CALL TO ORDER:**

Mayor King called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

**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 Dana King for 10 years of service with the City.

**PROCLAMATION:** None

**PUBLIC HEARING:** None

**CALL TO THE PUBLIC:**

Scott Sinclair, S. Lee Street, St. David, addressed the Council regarding the Post Ranch Road closing. Mr. Sinclair gave a brief history of Post Ranch Road stating the Post family was using it in 1953 for access to their ranch; the County took it over and maintained it for a number of years, but then stepped aside and in 3 separate actions by the Board of Supervisors, ceded it to the City of Benson to take over its stewardship. Mr. Sinclair then stated he heard, according to the City Attorney, that the City has given all roads and routes within the development area for El Dorado properties to El Dorado with the stipulation that when the development is finished in 20 years; the routes will be retained and will revert to the City to maintain and that according to the newspaper, the City Attorney said the closure is temporary. Mr. Sinclair then stated he feels the gates as currently placed by El Dorado are not in public's interest, adding one gate is not even located on El Dorado's property. Mr. Sinclair then asked the Mayor, Council and Staff to consider having El Dorado move the gate from Highway 90 up to their eastern property boundary to allow the public to have access to the State Trust land for hunting and recreation purposes, adding he feels doing so would be the start of working out a friendly agreement to get the road open until El Dorado breaks ground on the development. Mr. Sinclair then stated this would preclude keeping it in limbo during the lawsuit at the federal level, which can typically take 5-10 years. Mr. Sinclair then again asked Council and Staff to look at ways to reopen the road until the development starts.

Greg Hall, Mesquite Drive, St. David, stated he has lived in Cochise County for 30 years and some of his family has lived in Benson. Mr. Hall then asked those present to raise their hands if they have been on Post Ranch Road; then stated quite a few of those present have used the road. Mr. Hall stated he feels Post Ranch Road is a public road and the public has been locked off their public road. Mr. Hall then stated he has paid taxes in Cochise County for 30 years and he would like either his money back or to be able to use the road.

Cindy Sinclair, S. Lee Street, St. David, stated she lives in St. David, but also owns a home in Whetstone Canyons. Ms. Sinclair stated Post Ranch Road is a public access issue and she would like the Council and the City Attorney to be aware how many people are upset, adding there are close to 100 posts on facebook. Ms. Sinclair then stated they used to have drivers training on that road, and there is "Not maintained by the City of Benson" sign on the road. Ms. Sinclair then asked why it belongs to El Dorado now and why they can he put a sign on Hwy 80. Ms. Sinclair then asked the Council to at least get back the public access to State Trust land and show the upset people of Benson that the Council cares about them also.

Barbara Nunn, La Cuesta Drive, Benson, spoke about misinformation in the newspaper and on the radio, stating with a little bit of homework, she was able to find out the facts. Ms. Nunn stated there was something in the

paper regarding a pot hole on 4th Street with someone berating the City for not repairing, but 4th Street belongs to the State and it was ADOT’s responsibility to repair it. Ms. Nunn then spoke about the dilapidated condition of the CAVE FM radio station building and the radio station owner’s editorial about Sulphur Springs Valley Electric Cooperative (SSVEC), stating several of her elderly customers told her how awful the power company was to the radio station, so she read the editorial and then went to SSVEC to ask about their procedures. Ms. Nunn then stated the rules are the same for everyone; if you are delinquent more than 60 days twice in a 12-month period, a notice is mailed out offering tips to help you manage your bills. Ms. Nunn then stated if the radio station doesn’t want its electricity turned off, the station owner should pay his bills on time. Ms. Nunn then stated that it sounded like the radio station owner was upset about the money SSVEC spends on advertising with other media outlets. Ms. Nunn then stated the City has been derided over and over for not advertising with the local radio station, but she felt if the City were to spend any money advertising with the local radio station, the Council and Staff would need to be committed based on the way the radio station speaks about them and the City. Ms. Nunn then stated instead of the radio station owner writing an editorial that accuses SSVEC of having a personal vendetta against the radio station and of cutting the power to everyone from J-6 to St. David, the station owner could have done some investigating and found that a lightning strike hit a transformer. Ms. Nunn then stated the few times she has had a problem with SSVEC, she has found them to be prompt and efficient.

Tricia Gerrodette, Eagle Ridge Drive, Sierra Vista, stated the League of Women Voters of Arizona is strictly non-partisan and always puts out an information pamphlet about propositions on the ballot, adding she left copies for City Hall and the Library with the City Clerk. Ms. Gerrodette then spoke about New Business Item 3, stating she is puzzled that the agreement is with an individual, rather than with one of the many LLCs he works with or the water improvement district. Ms. Gerrodette then stated it is confusing to her where the City property lines are and where the Los Ranchitos Alamos subdivision is, in terms of it being inside or outside of the City. Ms. Gerrodette then stated there is a valid subdivision according to the Department of Real Estate website called Los Ranchitos, but the City’s Planning Technician hasn’t heard of it because it’s in the county; then stated 200+ subdivision parcels that show on part of the map for this item doesn’t seem to have an approved subdivision name with the Department of Real Estate. Ms. Gerrodette stated she finds this all very confusing and hopes that when this item appears before Council again, she will be better informed and that there will possibly be some clarity in the agreement as well.

Dave Thompson, La Cuesta Drive, Benson, declined his time to speak.

**CITY MANAGER REPORT:**

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

- Tuesday, September 27, 2016 – Planning & Zoning, Citizen Review, 6:00 p.m., City Hall
- Tuesday, October 4, 2016 – Planning & Zoning, 7:00 p.m., City Hall
- Monday, October 10, 2016 – City Council Meeting, 7:00 p.m., City Hall
- Tuesday, October 11, 2016 – Library Advisory Board, 4:00 p.m., City Library
- Tuesday, October 18, 2016 – Planning & Zoning, Conditional Use Permit, 7:00 p.m., City Hall
- Monday, October 24, 2016 – City Council Meeting, 7:00 p.m., City Hall
- Tuesday, October 25, 2016 – Community Watershed Alliance, 6:30 p.m., City Hall
  
- Friday, October 7, through Sunday, October 9, 2016 – Benson Butterfield Overland Stage Days & Rodeo. This event includes a Car Show, Antique tractor display and tractor pull, the Benson Pony Express and the Rodeo. For a full list of activities, locations and times, please go to [www.cityofbenson.com](http://www.cityofbenson.com) “What to do Today” and [www.bensonbutterfieldrodeo.com](http://www.bensonbutterfieldrodeo.com)

Mr. Stephens stated volunteers are being sought to help with Butterfield Stage Days and if anyone is interested, they can see Michelle Johnson or contact Benson Clean & Beautiful through their website. Mr. Stephens then stated additional information can be found at the City’s website at [www.cityofbenson.com](http://www.cityofbenson.com) or

[www.bensonbutterfielddroedeo.com](http://www.bensonbutterfielddroedeo.com). Mayor King then stated there is a lot going on with the rodeo, the car shows and antique tractors and it's a good weekend to stay in Benson and encouraged everyone to come out and enjoy the activities.

## **NEW BUSINESS:**

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

- 1a. Minutes of the July 9, 2016 Worksession
- 1b. Minutes of the July 11, 2016 Regular Meeting
- 1c. Minutes of the July 18, 2016 Special Meeting
- 1d. Appointment of Kirsten Smith to the Benson Board of Adjustments
- 1e. Reappointment of Irma Bernal to the Benson Historic Preservation Commission
- 1f. Appointment of Angela Roberts to the Benson Planning & Zoning Commission
- 1g. Appointment of Thomas Sanor to the Benson Planning & Zoning Commission
- 1h. Invoices processed for the period from September 1, 2016 through September 16, 2016

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

### **2. Discussion and possible action regarding a Substitute Trust Assurance Agreement to Construct Subdivision Improvements with BIF-Benson, LLC for San Pedro Golf Estates, Lots 1-224 and Common Areas A, B, and C**

Public Works Director Brad Hamilton stated this item was to renew the Trust Assurance Agreement which was approved in the 2007-2008 time period and will expire, adding hopefully, the housing market will be coming back soon. Vice Mayor McGoffin moved to approve the Substitute Trust Assurance Agreement to Construct Subdivision Improvements with BIF-Benson, LLC for San Pedro Golf Estates, Lots 1-224 and Common Areas A, B and C. Seconded by Councilmember Moncada. Motion passed 7-0.

### **3. Discussion and possible action regarding the Water Facilities Development Agreement between Mark Kartchner and the City of Benson**

Mayor King stated this item would be removed from the Agenda for legal reasons. City Attorney Gary Cohen stated the agreement needs to be adopted by a resolution. Mayor King then asked if the Council needed a motion to remove the item with City Attorney Gary Cohen stating a motion was not needed.

### **4. Presentation by the Southeastern Arizona Governments Organization (SEAGO) regarding SEAGO's Strategic Highway Safety Plan**

SEAGO's Transportation Planner, Chris Vertrees, addressed Council regarding the outreach efforts for the Strategic Highway Safety Plan, stating SEAGO is a regional planning agency and one of their biggest responsibilities is the transportation plan for the 4-County region (Graham, Greenlee Cochise and Santa Cruz). Mr. Vertrees stated a big component is the transportation improvement program, adding SEAGO handles the planning and programming process for over \$40 million in projects that are administered in this region on a non-federal highway or state road. Mr. Vertrees stated part of the program is the Highway Safety Program, with \$600,000 a year in funding to implement it, but in Fiscal Year 2019, the Highway Safety Program, in terms of the local level, is going away and there will be a statewide competitive process for safety projects in the State. Mr. Vertrees stated to be competitive at the state level, SEAGO has partnered with the Sierra Vista Metropolitan Planning Organization (SVMPO) to develop a Strategic Highway Safety Plan, which is a planning study with 3 phases; 1 – data collection on crashes in the region, 2 – analyzing the data to find safety hot spots and 3 – implementation strategies (projects) to correct those safety concerns and causal factors of them. Mr. Vertrees stated one problem with crash data is that it doesn't tell the whole story, so their consultant created a safety survey tool, adding he was before the Council as part of an outreach effort to get people to participate in

that survey. Mr. Vertrees stated the difference between a fatal crash and a crash someone walks away from can be mere inches or just luck, adding the crash data doesn't include the near misses and other safety issues that people see in their communities, which is why the survey is so important. Mr. Vertrees then gave an example of a homeless shelter located along Highway 92 in Bisbee, noting the homeless people have to be out of the shelter at 8:30 a.m. and they end up waiting to flag down a bus, as there is no bus stop. Mr. Vertrees then stated of the 20 responses they received for that area, 14 people identified this as a near miss issue and some said they almost hit someone on the highway. Mr. Vertrees then stated this information may help them craft an application for sources of funding, adding it may even be other funding, such as transit funding to develop a pullout or a bus stop. Mr. Vertrees then stated, again, the survey information tells more of the story than the data alone and asked everyone to participate in the survey and promote it to others. Mr. Vertrees then stated Planning Technician Michelle Johnson put some surveys in the back for people to complete and also put some flyers on the table with the information needed to take the survey online, noting the survey online is very interactive. Mr. Vertrees then stated the survey will be open until November 15, then the collected data and information will be incorporated into the safety plan.

Councilmember Boyle asked how else the survey is being promoted or advertised with Mr. Vertrees stating it is on SEAGO's website, has been published in local papers and in other places and he is also attending Council meetings in the region to promote the survey. Ms. Johnson then stated she had contacted the 3 local school districts, SSVEC, AZ G&T, the Benson Hospital, and gave a flyer to all City employees and the Council. Ms. Johnson stated she also contacted the City's various boards and commissions and asked them to promote the survey. Mayor King asked that the survey information be put on the City's utility bills. Mr. Vertrees then stated Ms. Johnson has done an outstanding job of promoting the survey, noting Benson has returned the highest percentage of responses. Ms. Johnson then stated Benson has provided over 25% of the responses.

Councilmember Cook stated he received an email regarding someone wanting to designate State Route 80 as a historical route and asked how this would affect the funding or any other aspect with Mr. Vertrees stating if State Route 80 had that designation, it would be subject to more environmental regulations, but any state highway using federal funding, have quite strict regulations anyway.

Councilmember Konrad asked how many other entities or districts are competing for these funds with Mr. Vertrees stating in the SEAGO region, there are a total of 20 members, which includes incorporated cities and towns plus counties, and they will be competing with everyone statewide. Mr. Vertrees then stated Benson had 4 fatalities in the last 5 years; then stated because the process is data driven using a road travel basis and annual amount of traffic, Benson could compete at that level based on the data, but the goal is to be competitive not just with the numbers, but to be able to support that data with information and find as many avenues as can be found to support a project.

Mr. Vertrees then thanked the Council for their time.

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

**ADJOURNMENT:**

Vice Mayor McGoffin moved to adjourn at 7:34 p.m. Seconded by Councilmember Boyle. Motion passed 7-0.

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Toney D. King, Sr., Mayor

ATTEST:

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Vicki L. Vivian, CMC, City Clerk