

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD SEPTEMBER 9, 2013, 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. then led the public in the Pledge of the Allegiance. Mayor King then announced that Councilmember Brian Crafts had resigned from City Council and asked City Clerk Vicki Vivian to read Mr. Crafts' letter of resignation. The letter read:

“Honorable Mayor and Council,

It is with much soul-searching and contemplation that I have reached the decision to resign my seat on the Benson City Council. I had thought that I could make a difference in the future of Benson, promoting new business development and a positive direction for the people who elected me. However, the events of the past few weeks have proven to me that this is going to be a futile effort. It is very apparent to me now that it will be “business as usual” where the council is concerned....squabbling and in-fighting, instead of trying to reach agreements and work out our differences. Until the council can behave as mature responsible adults, this will never happen. The City Manager selection process has been a disaster, taking far too long, causing divisiveness on the council, and in the city itself, with no end result. We still do not have a City Manager, and it looks like we/you may need to start the process all over, due to the interference of outside influences. This is not the only incident, but one of many. Also, the continual harassment at Call to Public is inexcusable. It is disruptive and counter-productive to accomplishing city business.

I wish only the best for the citizens of Benson, and I am still very hopeful for the future growth and prosperity of the city. You, the Mayor and Council, have a decision to make. Do you ‘stay the course’ and accomplish nothing, or start to get over your differences and work together? The choice is yours, it’s up to you.

I regret that I have to take this step, but at this time, I see no other alternative but to step down.

Respectfully,

Brian Crafts”

**ROLL CALL:**

Present were: Mayor Toney D. King, Sr., Vice Mayor Al Sacco, Councilmembers Ron Brooks, Jeff Cook, Chris Moncada and Peter Wangness. Absent was Councilmember Brian Crafts.

**EMPLOYEE RECOGNITION:** None

**PROCLAMATION:**

Councilmember Moncada read the proclamation of the Mayor and Council declaring the week of September 22-28, 2013 “National Employer Support of the Guard and Reserve Week.”

**PUBLIC HEARING:** None

**CALL TO THE PUBLIC:**

Aaron Kramm stated he has been trying to get the Council to give the younger people some attention and he doesn’t know if any of them have given it any thought, but he had an idea, adding the Council could utilize

young people to do a project similar to the murals being painted at the Visitor Center. Mr. Kramm then stated the City could announce that they are looking for kids that can draw and paint or even kids that just want to help in some way and have them paint something somewhere. Mr. Kramm then stated if the City stayed with the railroad theme, these youngsters would also learn about their town as well. Mr. Kramm then stated the Clean and Beautiful Committee has a vision to see more historic expressions displayed on walls and businesses throughout Benson and it would be a perfect opportunity to get something like this started, adding it would be something positive and could save the City money, adding it would be a win-win solution. Mr. Kramm then spoke about the after-school program, called PAWS, stating it is great but is only for kids in kindergarten through 4th grade and is only for a couple of hours after school, adding his concerns are after that time and on the weekends, especially for kids ages 13-17. Mr. Kramm then stated back in the day Benson had a movie theatre, a drive-in theatre and a roller rink and asked how did the City go from having all of that to what there is now, adding Willcox is about the same size as Benson and they have a movie theatre. Mr. Kramm then stated as far as economic development is concerned, the people of Benson do not want big businesses; they want real economic development. Mr. Kramm then stated he thinks the young people should be given the opportunity to share their ideas for Benson adding maybe the City could make up a form asking for age, gender and ideas for Benson and advertise it in the newspaper, as well as having it available at City Hall and any businesses that would like to participate, adding he knows it might now work, but our future is worth a try.

Councilmember Wangsness stated there are a couple of ideas being looked at that involve murals and include students.

Elizabeth Holly passed out rubberbands to each Councilmember. Ms. Holly stated she has been coming to Council meetings for a long time and they are very disappointing; asking the Council if they don't see the reactions of the people who come and watch the meetings. Ms. Holly then stated it is not necessary for the Council to respond to anyone who speaks at the Call to the Public, adding this is the first Council that seems to feel the need to defend themselves when their vote speaks for itself. Ms. Holly then stated the public is not as stupid as Council must think and the people can make up their own minds about things that are brought up in the Call to the Public. Ms. Holly then stated to help the Council, she provided each Councilmember with a rubberband and asked them to put it on their wrist, adding when Councilmembers want to open their mouths before their minds think, they should snap the rubberband on their wrist. Ms. Holly then stated Councilmembers should not comment to fellow Councilmembers on things that don't have anything to do with the agenda, adding if they are picking on each other, their minds are not open, adding Council should think of their minds as a parachute and they only work when they are open. Ms. Holly then stated an open mind is essential to a Councilmember's life, their job and to Benson. Ms. Holly then stated no matter how many times the Mayor has asked Council to get along, they continue to interrupt and interject the Mayor's authority, adding many people have stood at the Call to the Public and requested Council to stop bickering, so Council should use the rubberbands and get to work. Ms. Holly then stated the Council needs to celebrate their differences and join them to get a full perspective of all the walks of life that fill the City. Ms. Holly then stated she felt the Council should also be on time for meetings, which means being 10-15 minutes early to prepare for their jobs, adding Council meetings are their job and Councilmembers should show a little respect for their position and shouldn't make the public wonder if Councilmembers care about being the voice of the people in Benson. Ms. Holly then stated the Councilmembers need to turn the other cheek, snap their rubberband, and listen without feeling the need to defend themselves. Ms. Holly then stated Councilmembers need to voice their dislikes of other Councilmembers in private to that person and not publicly, adding doing so in public only makes the person doing it look the fool. Ms. Holly then stated the Council needs to get together and start making smart decisions for the City.

Stephen Insalaco addressed the Council regarding the City's Economic Development Subcommittee. Mr. Insalaco's comments will be retained with the Council packet.

Vicki Kramm stated she wanted Council to know what happened to Aaron Kramm after he addressed the Council. Ms. Kramm then stated a woman told him that he should know the facts before he speaks and the more talking the woman did, the more rude she became until Mr. Kramm left, but the woman followed them

outside and continued talking, with Ms. Kramm feeling they were being harassed. Ms. Kramm then stated everyone has the right to their opinion whether people like it or not and when someone is in the public eye, dealing with criticism is part of the job, but she felt people that speak to the Council shouldn't have to be afraid that someone will harass them after the meeting is over. Ms. Kramm then stated her son has every right and the freedom to voice his opinion, adding her son undoubtedly had more manners than the woman who approached and spoke to them. Ms. Kramm then stated the neither the Council nor the City Manager need that kind of public negativity, adding maybe the Mayor should announce that if someone harasses someone after the meeting, the person who initiates it shouldn't be allowed to attend meetings for 3 months or so, adding once again, no one should be afraid to voice their opinions.

Dave Thompson stated he uses the airport facilities and the Benson airport is a great place, adding there's about 12-14 people at the airport who have started a fly-in once a month, on the third Saturday of the month, which brings in 25-30 aircraft with 50-60 people. Mr. Thompson then stated those people buy fuel and services, adding they spend the day in Benson and the fly-ins are getting more and more people each time. Mr. Thompson then stated one of the problems he is sure Council is unaware of is that Benson is responsible for some of the maintenance at the airport and wanted them to know the security gates and the aero beacon haven't worked for 3 months, adding the automatic weather reporting system is also not working due to a lightning strike. Mr. Thompson then stated the big issue is the road to the airport, adding it has been terrible for years, but about 3 ½ months ago, the City came out and they were going to chip seal it. Mr. Thompson then stated the road was graded and was in beautiful shape, but it wasn't chip sealed, so now with the monsoon season, the road was right back to being mud holes. Mr. Thompson then stated he was appealing to Council to find out what is going on and get help with these issues. Mr. Thompson then stated the other issue he wanted to discuss was that the Council was elected for the betterment of Benson. Mr. Thompson then stated he wasn't complaining, but as a businessman in Benson, he was required to have a business license, which he does and insurance since it is part of the privilege of operating in the City of Benson, but noted there are Councilmembers operating businesses in the City who don't have business licenses and who are not complying with ordinances, adding he understands the ordinances can't be enforced because the City Council has no enforcement rules, but stated there is a conundrum there and questioned why.

Mayor King directed Interim City Manager Jim Cox to check on the airport issues with Mr. Cox stating the issues are already being looked at, adding there had been a delay with the engineering firm, noting Public Works Director and Airport Manager Brad Hamilton could provide further details. Councilmember Brooks asked Mr. Thompson if he had brought the airport issues to anyone in the City before this with Mr. Thompson stating he knew the Airport Manager was aware of the situation, but Mr. Thompson didn't know what was being done.

### **CITY MANAGER REPORT:**

Interim City Manager Jim Cox addressed Council, giving the dates of upcoming meetings and events.

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| Tuesday, September 10, 2013   | – Library Advisory Board, 4:00 p.m., Library   |
| Monday, September 16, 2013    | – Economic Development Subcommittee, 5:15 p.m., City Hall                                      |
| Wednesday, September 18, 2013 | – Planning & Zoning Citizen Review, 7:00 p.m., City Hall                                       |
| Saturday, September 21, 2013  | – Historic Preservation Commission, 9:00 a.m., City Hall                                       |
| Monday, September 23, 2013    | – City Council Worksession, 6:00 p.m., City Hall<br>City Council Meeting, 7:00 p.m., City Hall |
| Tuesday, September 24, 2013   | – Community Watershed Alliance, 6:30 p.m., City Hall   |

Mr. Cox asked Council if they would like Staff to move forward with the process used to fill the Council vacancy in 2010 to solicit interested persons for the Council vacancy due to Mr. Crafts' resignation with Council agreeing it should start as soon as possible.

## **NEW BUSINESS:**

### 1. **Consent Agenda**

- 1a. Minutes of the August 12, 2013 Worksession
- 1b. Minutes of the August 12, 2013 Regular Meeting
- 1c. Minutes of the August 21, 2013 Special Meeting
- 1d. Invoices processed for the period from August 16, 2013 through August 28, 2013

Councilmember Moncada made a motion to approve the Consent Agenda. Seconded by Councilmember Brooks. Motion passed 6-0.

### 2. **Discussion and possible direction to Staff regarding where to make the budget reductions in the amount of \$21,000 and to prepare a resolution to amend the FY2013-2014 budget, due to the Tax Levy**

Finance Director Megan Moreno stated the Council needed to amend the budget due to the change in the property tax levy and she wanted to get Council direction where to make the budget reductions. Vice Mayor Sacco recommended reducing the contingency fund by \$21,000 with Ms. Moreno stating her professional opinion is to reduce the contingency fund in the General Fund by the required amount. Councilmember Moncada asked how much was budgeted in the General Fund contingency with Ms. Moreno stating the budgeted amount was \$548,724.00.

Councilmember Brooks stated he didn't know what items would be cut there, adding he knows there are advertisements and promotions for the City and he would argue that it is critical to try and get businesses and tourists to the City. Councilmember Moncada stated the contingency line item is money set aside for unforeseen expenses and emergencies with Councilmember Brooks stating he was thinking of the Community Enrichment fund.

Councilmember Wangsness stated he was talking to Interim City Manager Jim Cox about an idea for a different way to handle the City Attorney, adding it may be possible for the Council to go on a fee basis, using an Attorney named Mr. Sims, who currently represents 5 cities. Councilmember Wangsness then stated for Council meetings, Mr. Sims would stay by the phone and if the Council ever needed to call him, he would only charge for the time the Council actually used him. Councilmember Wangsness then stated he had emailed a Mayor and received a positive response and had also spoken to a City Manager, who told him Mr. Sims was very frugal about the way he operates. Councilmember Wangsness then stated he thought the City may be able to save about \$80,000 out of the City Attorney professional services section, which is currently budgeted at \$120,000. Councilmember Moncada asked if Councilmember Wangsness was proposing something like this long-term with Councilmember Wangsness stating he was and he has contacted the cities Mr. Sims represents and is getting responses back from them. Councilmember Wangsness then stated Mr. Sims may have a sample contract and it could come to Council, adding he thinks that could solve the problem with the budget adjustment. Councilmember Brooks stated he felt it could be considered, but he thinks it is critical to have an attorney at the Council meetings, adding when the Council starts to do something they shouldn't, the attorney can stop them. Councilmember Brooks then stated he knows it's a lot of money to have an attorney here, but it's not hard for the Council to make a bad decision and if Council doesn't think to call the attorney, they won't know that, adding he sees the value of having an attorney at the meetings so the Council doesn't get themselves in trouble. Councilmember Brooks then stated he thinks the City is looking to bring on a couple extra temporary employees and if there was a freeze placed on that right now, it would save the City \$21,000 right there.

Councilmember Cook stated he was not for or against using an on-call attorney, but noted the Council has several things that are very important for the City right now, adding one issue is the litigation with Stagecoach Trails and that it would take a lot of time to bring a new attorney up to speed on the case. Councilmember Cook then reiterated that he is not against the idea, but stated he thinks there might be more to it.

Councilmember Wangsness stated Mr. Sims is pretty much up to speed, because his office is the one that is handling the case, noting Mr. Sims is part of the Sims-Murray law firm.

Mayor King stated he agreed with everyone, adding Councilmember Moncada has a point of making the reduction in the contingency fund and he agrees with a hiring freeze, with the exception of the Police Department and another person for Public Works. Interim City Manager Jim Cox stated there are several vacant positions right now. Councilmember Brooks then stated he knew the Parks & Recreation Department was looking for a temporary employee and that might give the City some money with Mr. Cox stating that approved full-time position was not temporary and would leave the Recreation Department short-handed. Mr. Cox then stated Staff was in the process of studying this right now in conjunction with looking at the overall finances of the City, adding Finance Director Megan Moreno plans to give a presentation to Council on the City's current financial situation at the next Council meeting. Mr. Cox then stated Staff will have some recommendations at that point for some financial austerity programs they would like Council to consider, but they are not prepared tonight to be able to make recommendations, adding this is why Staff is suggesting the reduction in the General Fund Contingency Fund, which historically has been used only for emergencies.

Councilmember Cook asked for Staff to also include information on the elimination of the additional position in the Recreation Department and the impacts it would have for the young people and if the programs were to be preserved, what the impact would be elsewhere.

Councilmember Moncada moved to reduce the contingency fund in the General Fund by \$21,000. Seconded by Councilmember Brooks. Motion passed 6-0.

3. **Ordinance 564 of the Mayor and Council of the City of Benson, Arizona, repealing Ordinance 535, which amended the Benson City Code, Chapter 3, "Administration," Article 3-2, "Officers," Section 3-2-1(B), "Manager"**

Interim City Manager Jim Cox stated as Council went through the City Manager selection process, they directed Staff to amend the City Code to require the City Manager live within the City limits, adding this change simply reverts back to the code that was in place before Council amended it with Ordinance 535, which allowed the City Manager to live within 2 miles of the City limits. Mayor King stated Ordinance 535 was approved by Council when they selected the previous Police Chief Glenn Nichols, who lived just outside the City limits, to serve as the City Manager, noting every other City Manager has resided in the City limits and he feels it's important to bring it back. Councilmember Moncada agreed, stating he felt it was good to change it now, so any candidate for City Manager would understand they would be required to live within the City limits. Councilmember Brooks moved to approve Ordinance 564. Seconded by Councilmember Moncada. Motion passed 6-0.

**DEPARTMENT REPORTS:** None

**ADJOURNMENT:**

Councilmember Moncada moved to adjourn at 7:35. Seconded by Councilmember Brooks. Motion passed 6-0.

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Toney D. King, Sr., Mayor

ATTEST:

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Vicki L. Vivian, CMC, City Clerk