

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD SEPTEMBER 9, 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 7:02 p.m. with the Pledge of Allegiance. Mayor King then introduced Dr. Eileen Littrel from the Baha'i Faith who gave the invocation.

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.

EMPLOYEE RECOGNITION:

Mayor King recognized both Jose Ronquillo for 35 years of services and Brian Williams for 15 years of service with the City. Both Jose Ronquillo and Brian Williams were not present.

PROCLAMATION: None

PUBLIC HEARING: None

CITY MANAGER REPORT:

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

Monday, September 23, 2019 – City Council Regular Meeting, 7:00 p.m., Community Center

Saturday, September 21, 2019 – Benson Pony Express Western Days and 2019 Car Show
9:00 a.m.- 4:00 p.m., Lions Park
A full day of activities including a car and motorcycle show, tractor pulls, antique engine displays, food vendors and a variety of children's activities. The Pony Express Post Office will also be available with commemorative stamps and stationery and will deliver your mail by horseback to the Dragoon Post Office.

Saturday, October 12 &
Sunday, October 13, 2019 – Benson Butterfield Stagecoach Days
The day will start with a Parade, then at Apache Park, come watch the Mormon Battalion and Buffalo Soldiers re-enact history. Enjoy music, dancers and a fashion show.

Benson Butterfield Rodeo will also be this weekend! Starting at 8:00 a.m. Saturday and finishing up on Sunday.

For a full list of activities, locations and times, please see the City's website and www.bensonbutterfieldrodeo.com

Wednesday, September 11, 2019 – Senator Kyrsten Sinema will have representatives at Benson City Hall. Mobile Office Hours are 10:00 a.m.- 11:30 a.m. Her team of social workers offer help with Federal Agencies including Social Security,

Medicare, Small Business concerns, VA Claims, Student Loans, Military benefits, IRS and Tax issues, Passport and VISA inquiries

Monday, September 8, 2019

- The San Pedro Golf Course and Benson City Grille will be closed for two weeks, during this time they will performing overseeding maintenance, improving the facility conditions by replacing the flooring in the club house, repairing roof leaks, and making repairs and updates to the restaurant to improve efficiency. Please be patient as the improvements will be worth the wait and they look forward to serving customers on the course and in the restaurant again very soon.

Saturday, October 19, 2019

- The Brighten the Path – Cleanup Event
7:00 a.m., Lions Park
They are organizing another trash clean-up day. They are looking for trucks and trailers to assist volunteers with their efforts.

NEW BUSINESS:

1. Discussion and possible action on the Consent Agenda

- 1a. Appointment of Lonnie Posegate to the Board of Adjustment
- 1b. Appointment of Bobby Balsiger to the Board of Adjustment
- 1c. Reappointment of Gerry Thompson to the Historic Preservation Committee
- 1d. Appointment of Granville “Tinnie” Graves to the Benson Planning & Zoning Commission
- 1e. Appointment of Mark Romero to the Benson planning & Zoning Commission
- 1f. Special procurement of four (4) Used Utility work trucks for \$47,400.00
- 1g. Minutes of the August 26, 2019 Regular Meeting
- 1h. Resolution 27-2019 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 Pomerene Elementary School District #64 (“District”) to permit reciprocal use of the buildings and grounds of the City and the District
- 1i. Invoices processed for the period from August 1, 2019 through August 14, 2019
- 1j. Invoices processed for the period from August 15, 2019 through August 28, 2019

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

2. Recognition of Margery Bidegain for her many years of service with the City of Benson

Mayor King stated this item was on the agenda to recognize Margery Bidegain (posthumously) for her contributions to the City through her many years of service. Mayor King then presented a certificate for 27 years of service to Margery Bidegain’s son and daughter-in-law, Joe and Janae Bidegain.

Councilmember Maldonado stated he knew Mrs. Bidegain a long time and she always had a friendly, happy face when he came in to pay a bill at the City and she also provided sports equipment to the high school kids.

Vice Mayor Konrad stated he has been personal friends of the Bidegain family since he came to Arizona and it was sad to see Marge go. Vice Mayor Konrad then stated Mrs. Bidegain was also very involved with the 4H Community, adding the Bidegains’ have been around this area for a long time.

Mayor King stated it was always an amazing experience to visit Margery at the City, her love for the community was outstanding and she will not be forgotten.

City Manager Vicki Vivian stated upon doing research for this agenda item she called Mr. Mark Battaglia, a former City Attorney and former City Manager) who provided a wealth of knowledge. Ms. Vivian stated Mr. Battaglia knew Margery worked at the City in 1972 and had been there years before that, but unfortunately there were no City records to indicate when she was employed. Ms. Vivian then stated she was able to locate a document from 1972 signed by Mrs. Bidegain.

Ms. Vivian then stated Mr. Battaglia told her that Mrs. Bidegain and Amy Lowery were both instrumental in success of the operations of the City, adding the City is truly appreciative of everything she accomplished. Ms. Vivian then stated the position of the Deputy City Clerk was created by the Council in 1981 and Mrs. Bidegain was appointed to that position in 1981, adding Mrs. Bidegain served in that position until she retired in 2000.

3. **Discussion and possible action regarding Resolution 28-2019 of the Mayor and Council of the City of Benson, Arizona, recommending approval of the Acquisition of Control of the Liquor License at the Arena Bar LLC, 250 N. Prickly Pear, Benson, Arizona**

City Manager Vicki Vivian stated Dantre Allyson Wood, the owner of the Arena Bar LLC, located at 250 N. Prickly Pear, has applied for acquisition of control of the liquor license, adding the procedures have been followed according to ARS §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 then stated next step is that 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, she would forward the proper documents to the Arizona Department of Liquor Licenses and Control.

Councilmember Boyle confirmed with Ms. Vivian that this is just a transfer from one individual to another with Ms. Vivian stating the ownership percentages were changing among the parties.

Vice Mayor Konrad moved to approve Resolution 28-2019. Seconded by Councilmember Maldonado. Motion passed 7-0.

4. **Discussion and possible action regarding a Renewal of the contract with Southeastern Arizona Governments Organization (SEAGO) Area Agency on Aging, Region VI**

City Manager Vicki Vivian stated the SEAGO Area Agency on Aging Sub-Award is a pass-through grant from the federal government to SEAGO, which is then awarded to the City for providing paratransit services to the elderly and disabled in Benson and the surrounding area. Ms. Vivian then stated the grant is in the amount of \$21,618.00 and requires no matching funds from the City, adding the City is paid monthly on a per-ride basis. Ms. Vivian then stated this is an annual grant that has not been brought to Council since 2013, but Ms. Vivian stated she felt it should and next year it will be placed on the Consent Agenda.

Vice Mayor Konrad asked if any of the money covers maintenance on the vehicles. Transit Specialist Kathe Williams stated this grant does not cover vehicle maintenance as it is to assist the elderly and disabled in getting rides with the City’s paratransit system. Ms. Williams then stated there is a request of donations for each of the rides and the grant offsets what users are not able to pay.

Mayor King moved to renew the Southeastern Arizona Governments Organization Area Agency on Aging contract. Seconded by Councilmember Maldonado. Motion passed 7-0.

5. **Discussion during and/or after presentation by City staff of City Finances, with emphasis on June 30, 2019 financial results and the City’s financial position at the end of Fiscal Year 2019. All revenues and expenses of the City may be discussed**

Finance Director Seth Judd stated this will be the end of the year report for July 1, 2018 through June 30, 2019 and at that point 100% of the year had passed, however the numbers are subject to change based on the audit. Mr. Judd stated the General Fund exceeded the budget amounts for Bed Tax, City Sales Tax, and Franchise Tax,

adding the City also saw an increase in Building Permit Fees. Mr. Judd then stated at this point, we are not projecting to use the carryforward balance which is the savings account to balance the budget for the General Fund at the end of the year. Mr. Judd then stated all departments were under budget except for the Finance Department and the City Clerk's Office, noting there was an increase in professional services for the Finance Department and a Salary Allocation for the City Clerk's office, due to Ms. Vivian being the City Manager and the City Clerk. Mr. Judd then stated there was a decrease in expenditures from FY18 in response to a decrease in revenues and the net position for the General Fund is \$1,405,537. Mr. Judd then stated the Transit Department is funded mostly by grants and a small portion through fare revenue which was \$5,600 this year, the net position being \$1,933.43. Mr. Judd then stated the CIP (Capital Improvement Project) Fund funded by the Construction Sales Tax and Bonds proceeds, varies from year to year and that is why those revenues are a one-time thing, adding those funds should not be used for on-going expenses such as salary increases, maintenance in buildings or vehicles. Mr. Judd then stated capital projects were \$215,322 and we are not expecting to make a General Fund contribution. Mr. Judd then stated HURF (Highway User Revenue Fund) has increased gradually over the years collecting over \$425,544 for this year and we are on track with the estimates from the state, adding the fund is in a net position of -\$9,698 and he is expecting to make a contribution to balance the fund. Mr. Judd then stated the Gas Fund had higher collections than last year at \$1,217,335; expenditures were at \$802,306 which was higher than last year due to more gas purchases, higher prices and salary allocations and the net position is \$415,029, adding it will not require a contribution from the General Fund. Mr. Judd then stated the Water Fund increased as last year revenues amounted to \$820,699, which included the rate increase effective July 1, 2018 and expenses were lower than the previous year at \$650,269, with the net position being \$170,429, adding no contribution from the General Fund is expected. Mr. Judd then stated the Wastewater Fund revenues were \$832,279, noting there was a 10% rate increase effective July 1, 2018 and had expenditures of \$651,935 resulting in a net position of \$180,344, again stating there was no expected contribution from the General Fund. Mr. Judd explained the Sanitation Fund expenses were a little higher at \$635,872 compared to the revenues at \$621,352, noting it was due to the County Transfer Station being paid twice in one month, but the net position was -\$14,521 and if there is a General Fund contribution, it will be very little. Mr. Judd also stated the Golf Course revenue collected was \$870,763, an increase of \$34,217 from last year; the expenditures increased to \$1,258,273 with a net position of -\$387,510, which would require a contribution from the General Fund. Mr. Judd then stated the airport collected \$19,221 in revenue and had expenses of \$81,377 resulting in a net position of -\$62,156, noting this is consistent with previous years and there is an expected contribution from the General Fund. Mr. Judd stated the Citywide position overall ended in a positive net position of \$1,633,183, adding Staff and Council have done a great job monitoring revenues and expenses throughout the year. Mr. Judd then stated the FY19 audit is scheduled for the week of November 4th.

Vice Mayor Konrad stated it is painful to see the increases in the Enterprise Funds, but Council is looking at balances that haven't been seen in a long time. Vice Mayor Konrad then stated it does not take long to wipe those balances out if there is a system failure, adding the Council did the right thing and is seeing the results.

Mayor King stated it will take a long time to get the Enterprise Funds built up but the whole idea behind those funds is to be able to pay for something major, should it happen, which is very important. Mayor King also stated he would like to thank Council for the tough decisions they made this year and he would like to thank Ms. Vivian and Mr. Judd for being diligent and keeping the Council informed on what is going on.

EXECUTIVE SESSION: Pursuant to A.R.S. § 38-431.03 (A)(3) & (7), for discussion or consultation for legal advice with the attorney or attorneys of the public body and discussions or consultations with the Mayor and Council's designated representatives to consider its position and possibly instruct its representatives regarding negotiations for the purchase, sale, lease, or exchange of city-owned real property.

EXECUTIVE SESSION: Pursuant to A.R.S. § 38-431.03 (A)(3), for discussion or consultation for legal advice with the attorney or attorneys of the public body and discussions or consultations with the Mayor and Council's designated representatives to discuss Open Meeting Law requirements and processes.

Vice Mayor Konrad moved to enter into both executive sessions with the Mayor and Council, the City Attorney, City Manager, and the Deputy City Clerk at 7:29 p.m. Seconded by Councilmember Diaz. Motion passed 7-0.

Council reconvened at 8:40 p.m.

DEPARTMENT REPORTS: None

ADJOURNMENT:

Councilmember Diaz moved to adjourn at 8:41 p.m. Seconded by Councilmember Boyle. Motion passed 7-0.

Toney D. King, Sr., Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk