

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD JULY 24, 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 7:03 p.m. with the Pledge of Allegiance.

ROLL CALL:

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

EMPLOYEE RECOGNITION:

Mayor King recognized Loretta Goeglein for 15 years of service with the City.

PROCLAMATION: None

PUBLIC HEARING: None

CALL TO THE PUBLIC:

Stephen Insalaco addressed the Council and spoke about the economic health of Benson, citing recent restaurant closings and a retail store closing and that in his opinion the City's economic critical mass is diminishing, adding the shoppers will end up leaving Benson to do their shopping elsewhere. Mr. Insalaco then spoke about the City Council having what could be an opportunity to have a role in community and adult education utilizing Cochise College's Benson Center. Mr. Insalaco stated he understands that the City is not responsible for college student enrollment, nor is the college under City jurisdiction, but he would still like to champion the idea of City personnel collaborating with Cochise College to design and implement home building courses at the Cochise College Benson Center since it appears the proposed development will become a reality. Mr. Insalaco then stated Benson could then supply a ready-made skilled workforce to the builder while creating jobs within the community and providing real growth economic opportunities from within the community. Mr. Insalaco then stated his opinion is that Benson needs any and all new economic opportunities to reverse the continuing downward economic spiral that prevails, adding this idea comes with a price tag, but it would simply be to supply a municipal officer some time with the builder and the college to design and implement a comprehensive construction trade curriculum.

CITY MANAGER REPORT:

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

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| Tuesday, August 1, 2017 | – Planning & Zoning Commission, 7:00 p.m., City Hall |
| Tuesday, August 8, 2017 | – Library Advisory Board, 4:00 p.m., City Library – has been cancelled |
| Monday, August 14, 2017 | – City Council Meeting, 7:00 p.m., City Hall |
| Tuesday, August 22, 2017 | – Community Watershed Alliance, 6:30 p.m., City Hall |
| Monday, August 28, 2017 | – City Council Meeting, 7:00 p.m., City Hall |
| Monday, September 4, 2017 | – Benson City Pool – Wrap up Pool Party! Monday, September 4 from 11:00 a.m.-5:00 p.m., Free Admission! Sponsored by the VFW Auxillary |

Mr. Stephens then stated for pool hours, the pool activity schedule and other events in Benson, the public could visit the City's website: www.cityofbenson.com. Mayor King then stated school would be starting on July 27 and asked everyone to please be careful in traffic, adding the Police Department does a great job, and again asked everyone to be careful and slowdown in traffic around the school.

NEW BUSINESS:

1. Discussion and possible action on the Consent Agenda

- 1a. Reappointment of Caleb Malboeuf to the Board of Appeals
- 1b. Reappointment of Ruth Wilson to the Historic Preservation Commission
- 1c. Invoices processed for the period from July 1, 2017 through July 10, 2017

Councilmember Boyle moved to approve the Consent Agenda. Seconded by Councilmember Lambert. Motion passed 4-0.

2. Discussion and possible action regarding Resolution 23-2017 of the Mayor and Council of the City of Benson, Arizona, recommending approval of the Person Transfer and the Location Transfer of a Type 09 (Liquor Store) Liquor License at Circle K, 202 E. 4th Street, Benson, Arizona

City Clerk Vicki Vivian stated Circle K Stores, Inc., dba Circle K Store #2945, has applied for a person transfer and a location transfer of this liquor license, adding procedures have been followed according to A.R.S. §4-201, with no written arguments in favor of or opposed to the issuance of the license being received. Ms. Vivian then stated the City is now at the step where the "governing body of the City or Town shall then enter an order recommending approval or disapproval [of the application] within sixty days after filing of the application". Ms. Vivian then stated once the Council makes a recommendation, she will forward the proper documents to the Arizona Department of Liquor Licenses & Control. Vice Mayor Konrad moved to approve Resolution 23-2017. Seconded by Councilmember Lambert. Motion passed 4-0.

3. Discussion and possible action regarding Resolution 24-2017 of the Mayor and Council of the City of Benson, Arizona, recommending approval of the Acquisition of Control of the Liquor License at the Horseshoe Café, 154 E. 4th Street, Benson, Arizona

City Clerk Vicki Vivian stated SKMC, Inc., dba the Horseshoe Café located at 154 E. 4th Street, has applied for acquisition of control of the liquor license, adding 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 then stated the City is now at the step where the "governing body of the City or Town shall then enter an order recommending approval or disapproval [of the application] within sixty days after filing of the application". Ms. Vivian then stated once the Council makes a recommendation, she will forward the proper documents to the Arizona Department of Liquor Licenses & Control.

Mayor King stated he was happy the owner of the Horseshoe Café was present. Councilmember Lambert then stated item #9 on the application reads "Does this transaction involve the sale of any portion of the percentage of ownership or corporate stock?" and if the answer is yes, a certified copy of the minutes should be submitted. Councilmember Lambert then asked the City Attorney if the minutes should have been attached to the application since the question was answered with a yes. City Attorney Gary Cohen stated the minutes should be submitted and asked the Council to have the owner acknowledge the request to provide the minutes to the City. Patricia Columbo-Fagan from the Horseshoe Café came forward and agreed to provide the City a copy of the minutes in response to question #9 on the application. Mr. Cohen stated his recommendation would be that any motion to approve the resolution be made contingent upon the receipt of said minutes. Councilmember Lambert then moved to approve Resolution 24-2017 contingent upon the receipt of the minutes. Seconded by Vice Mayor Konrad. Motion passed 4-0.

4. **Discussion and possible action regarding an Amended Agreement for Magistrate Services between Bruce Staggs and the City of Benson**

City Manager Bill Stephens stated the amended contract before Council reflects the salary adjustment included in the Fiscal Year 2017-2018 budget, which was approved by Council on June 29th. Vice Mayor Konrad stated he was not at the meeting when this was discussed, but noted it was a steep increase as far as the percentage of the increase and it is more than the Council has considered in the past, adding he has some concerns about that. Mayor King then stated he knows the magistrate's office is busier now and the Benson magistrate salary is lower than the salary of the Willcox magistrate, even though the Benson magistrate has the same case load. Vice Mayor Konrad stated he wanted the Council to recognize that this is a huge percentage increase. Councilmember Lambert moved to approve the amended agreement for Magistrate services between Bruce Staggs and the City of Benson. Seconded by Councilmember Boyle. Motion passed 3-1 with Vice Mayor Konrad voting nay.

5. **Discussion and possible action regarding Resolution 25-2017 of the Mayor and Council of the City of Benson, Arizona, approving and authorizing the expenditure of Public Funds, in an amount not to exceed \$49,333.00, to allow Cochise County ("County") to proceed with the construction of improvements to City streets pursuant to the January 25, 2005, Intergovernmental Agreement with the County**

Public Works Director Brad Hamilton stated the proposed project is for Darby, between Ocotillo and Madison, stating this road has a lot of truck traffic, especially considering all the tons of garbage that goes to the transfer station and the trucks coming back out of the transfer station. Mr. Hamilton stated Darby is really starting to need attention, noting nothing has been done on the road for the last 20 years, except patching potholes. Councilmember Lambert asked if Mr. Hamilton had looked at Madison Road, with Mr. Hamilton stating work had been done on Madison within the last 7 years. Councilmember Lambert then moved to approve Resolution 24-2017. Seconded by Vice Mayor Konrad. Motion passed 4-0.

6. **Discussion and possible action regarding Ordinance 585 levying upon the assessed valuation of the property within the City of Benson, Arizona, subject to taxation. A certain sum upon each One Hundred Dollars (\$100) of valuation, sufficient to raise the amount estimated to be required in the annual budget**

City Manager Bill Stephens stated the Property Tax Ordinance is adopted annually no earlier than fourteen days following Council's adoption of the Budget for the next fiscal year, adding the City has followed all requirements in A.R.S. for Truth in Taxation. Mr. Stephens then stated the levy proposed is upon each One Hundred Dollars (\$100.00) of assessed value of all property, both real and personal, within the corporate City limits of the City of Benson. Mr. Stephens then stated it is important to note that the City is a small portion of the total property taxes paid to the County each year and the vast majority of each tax bill goes to support the Benson School District, the San Pedro Valley Hospital and Cochise County. Mr. Stephens stated, as the tax levy ordinance is an administrative method of setting apart funds necessary for use and maintenance, it does not require an extraordinary $\frac{3}{4}$ vote to make it effective immediately, adding this determination is based on a Supreme Court decision and is fully explained in the Municipal Budget and Financial Manual provided by the Arizona League of Cities and Towns; however, for the Council to adopt the proposed tax levy rate, the vote of the members present must be unanimous. Mr. Stephens then stated he would also like to let the Council know that the Financial Consultant, Pat Walker was on the phone to address any questions the Council may have.

Vice Mayor Konrad stated a lot of thought and work went into this and though he was personally against any tax increase, as the Council looked at the budget and the decrease in revenues, this was a necessary evil the Council was faced with. Vice Mayor Konrad then stated the City staff had done an amazing job during this budget season, adding over the past few days, he had spoken to the City Manager and the Financial Consultant and knew this was the right thing to do. Vice Mayor Konrad then stated even though it was painful and hard to do, he wanted everyone to know it was not done without thought. Vice Mayor Konrad then stated the City is recovering from furloughs and has lost several good people because of the furloughs, but now the City has the opportunity to start springing back from that and to fill-in the hole that was dug in the past. Vice Mayor Konrad then stated Staff would keep an eye on things and he knew the City Manager would keep the Council apprised of where the City is financially. Vice Mayor Konrad then stated Ms. Walker also did a fantastic job.

Councilmember Boyle asked Ms. Walker to go over the result of the proposed tax rate using a home valued at \$100,000 with Ms. Walker stating the proposed tax rate of .8393 would result in an annual tax of \$83.93 a year, or \$6.99 a month. Vice Mayor Konrad then asked what the increase would be over the current rate with Mr. Walker stating the current annual tax is \$58.38 a year or \$4.87 a month, compared to \$83.93 and \$6.99, adding instead of paying \$4.87 a month, the tax would be \$6.99 a month; an annual increase of less than \$30.00.

Mayor King stated he hoped people understood that this is something the Council needs to do, adding it has taken a lot of courage to do what the Council has had to do to keep the City going. Mayor King then stated he truly believes the development will be coming, and added the Council decides the tax levy rate each budget year and is hopeful the Council may be able to lower the rate in the future, but right now, the Council is doing what is fiscally right for the City, adding this has been the boldest Council in years and they are setting out to fix things, to make the City run better and to do more things for the community. Mayor King then moved to approve Ordinance 585. Seconded by Councilmember Lambert. Councilmember Lambert then stated the actual annual increase is \$25.55, which is \$2.13 per month, adding it's a small increase to offset the budget. Motion passed 4-0.

7. **Discussion and possible action on Resolution 26-2017 of the Mayor and Council of the City of Benson, Arizona, approving and authorizing the execution of an amended Intergovernmental Agreement between the City of Benson and the State of Arizona through its Department of Public Safety for the City Police Department to participate in the Cochise/Graham/Greenlee Highway Investigative Team regarding drug trafficking and related crimes**

Chief of Police Paul Moncada stated the City previously had an officer assigned to an auto theft task force, but this year the funds were cut for that and the position will no longer be in place effective July 28. Chief Moncada then stated it is his desire to turn around and assign an officer to this narcotics task force, adding there are issues with drugs and this would give the department someone specifically assigned to work the narcotics problem, with the benefit of utilizing the assistance DPS personnel, equipment and funding for the narcotics investigations. Chief Moncada then stated this is something he has wanted for years and now the opportunity is here, adding he contacted DPS and asked if the City could place an officer in this task force. Mayor King stated this was a great idea, adding it would be good to have an officer involved in this and who can focus on the narcotics problem in our community also.

Councilmember Boyle asked what costs the City would be paying for the officer with Chief Moncada stating the City would provide the officer, his regular salary and his primary and secondary weapons with DPS paying for overtime, providing a vehicle, fuel and a computer for the officer. Councilmember Boyle then asked if this would be a new officer with Chief Moncada stating the Police Department would utilize a current detective who will be assigned to the task force, adding they will simply transfer the officer who was assigned to the auto theft task force, adding that officer is already indoctrinated to DPS methods and their way of doing things. Councilmember Boyle asked if the Police Department would still have the ability to use that officer with Chief Moncada stating the officer's primary area of responsibility will be in the Benson area, but he will travel with the narcotics squad as cases are developed in other jurisdictions.

Vice Mayor Konrad moved to approve Resolution 26-2017. Seconded by Councilmember Boyle. Vice Mayor Konrad thanked Chief Moncada for this opportunity with Chief Moncada stating narcotics have been an issue for quite a while and he feels fortunate that the City has this opportunity and has the manpower to do this at this time. Chief Moncada stated this is something he has wanted and has felt has been needed, adding in previous years, this was considered a luxury, but he believes it's a necessity. Vice Mayor Konrad then asked if the auto theft rate decreased with Chief Moncada stating Benson's auto theft rate was pretty low, adding the reason an officer was assigned to the auto theft task force was that it was the only task force available at the time. Chief Moncada then stated he tends to use these special assignments as rewards and breaks from the monotony of patrol, adding the City's Police Department is very small and has very few opportunities for lateral or upward movement for the officers and these assignments are also a way of gaining some education and training, in addition to boosting morale. Mayor King agreed, stating he thinks it's a great idea and added he respects and appreciates our officers. Motion then passed 4-0.

DEPARTMENT REPORTS: No comments from Council.

ADJOURNMENT:

Vice Mayor Konrad moved to adjourn at 7:36 p.m. Seconded by Councilmember Boyle. Motion passed 4-0.

Toney D. King, Sr., Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk