

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD SEPTEMBER 11, 2017 AT 7:00 P.M.
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

CALL TO ORDER:

Vice Mayor Konrad called the meeting to order at 7:01 p.m. with the Pledge of Allegiance.

ROLL CALL:

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

EMPLOYEE RECOGNITION: None

PROCLAMATION: None

PUBLIC HEARING: None

CALL TO THE PUBLIC:

Vice Mayor Konrad then had those present observe a moment of silence in remembrance of 9/11.

Dave Thompson, La Cuesta, Benson spoke about the worksession to be held on September 25th regarding the airport, stating he understands the worksession was requested by the Vice Mayor. Mr. Thompson then stated about 18 months ago, SAEDG requested about \$1,500 for a promotion at the airport, but nothing has come of it. Mr. Thompson then asked where the money was and if it could be used, adding he is requesting an accounting of that funding. Mr. Thompson then stated the other thing he has noticed is that there are no meeting minutes from Council meetings since January 23 and the audio is difficult to hear due to a lot of background noise, adding he is asking for the Council to place the audio system on a future agenda.

Jeff Cook, Huachuca Street, Benson spoke about the NLC, stating if any of the Council attend the Arizona League Conference, they must take time off work to do so, adding if a Councilmember wants to have to attend the National League Conference, they would also have to take time off for it. Mr. Cook then stated this leaves the majority of the Council out of this, noting it's hard to have a family life and some vacation time with them also. Mr. Cook then stated this items appears primarily to benefit one person; the one person who wants to be the representative. Mr. Cook then stated the City would have to pay for transportation, lodging and per diem, in addition to the \$800 to \$1,100 yearly dues. Mr. Cook then stated next year, the .5% sales tax is to go away, but the bond payment the City has will still be in effect for 12 more years and the City is \$1.2 million in debt on the Public Safety Personnel Retirement System; then stated the money for these has to come from somewhere. Mr. Cook then stated if the City Hall building needs to be replaced, that also has to be paid for. Mr. Cook then stated being a member of the NLC and having a representative is a frivolous bonus so someone can have something nice on his résumé when they run for another office.

Paul Lotsof, a non-resident and business owner of the CAVE FM radio station in Benson, stated two weeks ago, at a Council worksession, some Councilmembers asked good questions about Community Facilities Districts, then stated more questions should be asked. Mr. Lotsof then read a list of questions he suggested the Council ask. The questions included: If the special taxing district issues the bonds, why does the City choose the bond person? When the application was cancelled, did the developer disclose why and what's going on, has there been any indication on when a new application will be submitted? When Mr. Reader talked about getting the developer's financial statements, it was deemed pre-mature, when would it be appropriate to ask for financial statements? Why are the 10 special taxing districts? Is the reason complexity to make trackability hard? Who makes sure the bond funding is prudently spent? Is it the City and if so, does the City have the manpower to do so? If it is the City's responsibility, isn't the City liable for this? He understands for bonds to be sold, they need to be highly

rated; who rates the bonds? El Dorado agreed to pay Kutack Rock for the formation, so the City Attorney is doing at least that much, how much has the City paid for legal services related to Vigneto? The developer is asking for \$1 billion in bond funding; how much should be raised prior to getting the needed permits and who, if anyone, controls the amount they seek? The development agreement requires the City to form special taxing districts, if the City does not form them, is it a breach of contract? The success of the development is predicated on demand; what happens if the houses or bonds don't sell? There will be public hearings on the matter; will the public be allowed to ask questions and will they be answered? Mr. Lotsof then stated if there are answers to these questions, he would like the Council to let him, adding he could then pass on the answers to his listeners.

Vice Mayor Konrad asked the City Manager to look into the approved airport event funding. Mr. Stephens stated he would look into the matter.

Councilmember Lambert stated he would also like to address Mr. Thompson's comments and asked about the minutes; whether they were just not on the website or not done yet with City Clerk Vicki Vivian stating she has been working on them, but her workload has been and is affected by not having an HR person for over 2 years and not having a Finance Director. Councilmember Lambert then asked about the audio recording system with Ms. Vivian stating she has spoken to the vendor and they made some adjustments to the system. City Attorney Gary Cohen then stated the comments needed to be limited to addressing any criticism from the Call to the Public with Councilmember Lambert directing the City Manager to place the audio system on the next agenda. Mr. Cohen stated the Council could only address criticism.

CITY MANAGER REPORT:

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

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| Tuesday, September 12, 2017 | – Library Advisory Board, 4:00 p.m., City Library |
| Saturday, September 16, 2017 | – Historic Preservation Commission, 9:00 a.m., City Hall |
| Monday, September 25, 2017 | – City Council Worksession, 6:00 p.m., City Hall
City Council Meeting, 7:00 p.m., City Hall |
| Tuesday, September 26, 2017 | – Community Watershed Alliance, 6:30 p.m., City Hall |
| Tuesday, September 26, 2017 | – Benson High School Homecoming Bonfire, Benson School overflow parking lot, 8:00 p.m. – 10:00 p.m. |
| Friday, September 29, 2017 | – Benson High School Parade, 12:00 p.m. – 2:00 p.m. |
| Friday, October 13 through
Sunday, October 15, 2017 | – Benson Butterfield Overland Stage Days & Rodeo |

Mr. Stephens then stated for a full list of activities, locations and times of Butterfield Overland Stage Days & Rodeo, please see the City's website and www.bensonbutterfieldrodeo.com

City Attorney Gary Cohen then addressed the Council stating he quickly researched State law concerning the Call to the Public and Councilmember Lambert was correct in that a Councilmember could direct Staff to place any matter raised during the Call to the Public on a future Council agenda. Mr. Cohen apologized to Councilmember Lambert for suggesting otherwise.

NEW BUSINESS:

1. Discussion and possible action on the Consent Agenda

- 1a. Reappointment of Steven Butler to the Local Public Safety Personnel Retirement Boards for the Fire and Police Departments
- 1b. Invoices processed for the period from August 18, 2017 through September 6, 2017

Councilmember McGoffin moved to approve the Consent Agenda. Seconded by Councilmember Garner. Motion passed 5-0.

2. **Discussion and possible action regarding the requests from the Benson Butterfield Rodeo Committee and the General Federation of Women's Clubs – Arizona Benson Junior Women's Club for assistance with Butterfield Stage Days by providing and assisting with set up of bleachers and serpentine fencing, providing equipment and personnel to assist with chalking the parking lot at the Arena, giving access to water for prep and dust control and becoming a sponsor for the Benson Butterfield Rodeo**

City Manager Bill Stephens stated in August of 2012, the Council voted to sponsor the Benson Butterfield Rodeo with a donation allowing the event to expand to 2 days and the Benson Butterfield Rodeo Committee is requesting sponsorship through funding and logistical support. Mr. Stephens then stated the funding would come from the Community Enrichment section of the budget with its own line item budget of \$4,650.00, which the Council approved in the 2017/18 Fiscal Year Budget. Mr. Stephens then stated they are also requesting logistical support to provide and set up serpentine fencing for the VIP tent area and parking control, consisting of providing equipment and personnel to assist with Arena parking lot chalking and access to water for prep and dust control. Mr. Stephens then stated the General Federation of Women's Clubs, specifically the GFWC-AZ Benson Junior Women's Club has also requested assistance for bleacher set up in the G&F Pizza parking lot, as well as police support, blocking off the streets for the Butterfield Stage Days Parade route on Saturday, October 14th, 2017. Mr. Stephens then noted this will be the 31st year for the parade which will begin at 9 a.m. and end approximately one hour later. Mr. Stephens then reminded the Council that during the May 8, 2017 regular Council meeting, the Council approved a request by the Benson Clean and Beautiful and the Benson Chamber of Commerce to provide logistical support for Butterfield Stage Days in Lion's Park, adding the vendors will remain setup overnight.

Councilmember McGoffin asked if the employees providing assistance would be spread too thin if the support were pledge to the Chamber of Commerce, the Benson Clean and Beautiful and the Butterfield Rodeo Committee with Mr. Stephens stating the duties are the same, they are just split up.

Councilmember Lambert asked if the request was for just in-kind service or if the request included an actual monetary issue with Mr. Stephens stating the request from the Jr. Womens Club is for logistical support and the request from the Butterfield Rodeo Committee is for logistical support and a financial sponsorship in the amount of \$4,650, which is the same amount approved last year.

Councilmember McGoffin and Councilmember Lambert spoke about way a motion should be worded with City Attorney Gary Cohen stating his recommendation was to take action on "agenda item 2". Councilmember McGoffin moved to approve agenda item 2. Seconded by Councilmember Garner. Motion passed 5-0.

3. **Discussion and possible action regarding approval for the City of Benson to become a member of the National League of Cities (NLC)**

City Manager Bill Stephens stated this item was placed on the agenda by Councilman David Lambert, adding while at the 2017 League of Arizona Cities and Towns conference, Councilman Lambert attended an NLC session where city membership and associated benefits were discussed and reviewed in the packets the Council has been provided. Mr. Stephens then stated membership is annual and the costs are dependent on population, noting in the Council packet, there is a Membership Application with a chart showing the cost a city the size of Benson is \$1,117.00, based on the 2010 census. Mr. Stephens then noted the material provided for this item can be utilized for items New Business Items 3, 4 and 5.

Vice Mayor Konrad stated he was not opposed to joining the NLC, but he would like to be enlightened on the benefits, adding the packet shows Mr. Mike Nelson as the City's contact person. Mr. Stephens stated Mr. Nelson was the contact, but he was unable to be at the Council meeting, adding he did not speak to Mr. Nelson, but Councilmember Lambert did. Mr. Stephens then stated Mr. Nelson told Councilmember Lambert that he would be glad to show up at a future meeting with additional information, but noted all the information regarding benefits is in Council packet. Vice Mayor Konrad then moved to table this item with the intent to have Mr. Nelson available in person or by phone. Seconded by Councilmember McGoffin. Councilmember Lambert stated Mr. Nelson had said he could be here on the 25th if the Council had questions or wanted more information. Vice Mayor Konrad asked if the 3 items regarding the NLC could be done together with City Attorney Gary Cohen stating the items needed to be addressed separately. Vice Mayor Konrad then stated the motion on the floor was to table this item until September 25. Motion passed 5-0.

4. **Discussion and possible action regarding Resolution 30-2017 of the Mayor and Council of the City of Benson, Arizona, appointing _____ as the City's representative to the National League of Cities**

Councilmember Lambert moved to table this item until the September 25 Council meeting. Seconded by Councilmember McGoffin. Councilmember McGoffin then stated she understands that Councilmember Lambert wants to be the representative and she feels that the representative should not be someone up for re-election anytime soon, adding maybe the representative could be written as "the Mayor or the Mayor's designee". Councilmember McGoffin then stated she doesn't think Vice Mayor Konrad, Councilmember Lambert or she should be considered when they might not be on Council in a year.

Motion passed 5-0.

5. **Discussion and possible action regarding authorization for a City of Benson representative to attend the National League of Cities (NLC) Annual Conference, November 15-18, 2017, in Charlotte, North Carolina**

Councilmember McGoffin moved to table this item until the September 25 Council meeting. Seconded by Vice Mayor Konrad. Motion passed 5-0. Councilmember McGoffin stated there better be a lot of benefits for the almost \$5,000 this would cost.

6. **Discussion and possible action regarding Resolution 31-2017 of the Mayor and Council of the City of Benson, Arizona, authorizing the City to enter an agreement with Pavex Corporation, for the reconstructing of the Airport Access Road (Approximately 2,230 feet before the entry way of the Airport) in the amount of \$244,030.00**

Public Works Director Brad Hamilton stated at the special Council meeting on September 7, the Council approved the FAA Grant agreement, adding this item is the contract for the project construction with Pavex, the lowest qualified bidder. Mr. Hamilton then stated the City's cost for the project is \$18,400.

Vice Mayor Konrad stated he was unable to attend the special meeting, but he appreciated the work Mr. Hamilton put in on the grant, adding he knows people are excited about the project. Mr. Hamilton stated he spent about 5 years trying to convince the FAA that the road was eligible for this funding.

Councilmember McGoffin moved to approve Resolution 31-2017. Seconded by Councilmember Garner. Motion passed 5-0.

DEPARTMENT REPORTS: No comments from Council.

ADJOURNMENT:

Councilmember Lambert moved to adjourn at 7:31 p.m. Seconded by Councilmember McGoffin. Motion passed 5-0.

Toney D. King, Sr., Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk