

**Town of Mammoth
Minutes of a Regular Meeting
May 21, 2009**

**MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF MAMMOTH HELD May 21, 2009 PURSUANT TO THE NOTICE
REQUIRED BY LAW.**

1. CALL TO ORDER

Mayor Williams called the meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Williams Lead the pledge

3. ROLL CALL

COUNCIL MEMBERS PRESENT

Vice Mayor Baugher
Councilwoman Wickham
Mayor Williams
Councilman Goff

STAFF PRESENT

Rachelle Sanchez Town Clerk
Tresa Georgini Town Attorney
Neil Mullard Chief of Police
Juan Ponce Public Works Director

COUNCIL MEMBERS ABSENT

Councilman Barcelo
Councilwoman Ramirez
Councilman Ramirez

STAFF ABSENT

COMMUNITY MEMBERS PRESENT (Per sign in sheet)

Diana Stirling
Rebecca Beisenstein
Diane Theobald
Cindy Blair
Robert Clark
Harry L. Clark
Teresa Waddell
Monica Juvera

Bob Sloan
Fred Verdugo
Barry A. Hoben
Raymond Ahumada
Lanie Reynoso
Patty Clark
Mary Juvera

4. CONSENT AGENDA

Vice Mayor Baugher motion to consent agenda as presented. Seconded by Councilwoman Wickham. Motion Carried.

5. CALL TO THE PUBLIC

Diana Sterling Town Librarian wanted to make a couple of announcements that the summer reading program was going to start on Saturday May 23rd. Second the library has a new web site.

Mary Juvera, wanted to know if there was going to be any answers regarding the cows n town.

Mayor Williams stated that he should of mentioned that council can't comment on anything in call to the public. There is an agenda Item addressing that.

6. NEW BUSINESS

A. IGA with Community Schools for Town Pool.

Rachelle, stated that San Manuel School Board had approved and signed the IGA the agreement is pretty much the same as last year. The pool

manager is Cynthia Stratton. Community Schools will take care of all pool needs excluding pool maintenance. Rachelle stated that there was some wording that had to be corrected other than that IGA was good. Vice Mayor Baugher motioned to enter into the IGA with the understanding that the attorney has recommended changes to the draft. Seconded by Councilman Goff. Motion carried.

B. Request for Security Fence on Bluebird Street

Diane Theobald from P&Z stated that Mr. Corral had request a variance on a chain link fence on the Bluebird side. P&Z granted the variance for 6 ft. instead of 4 ft. The other thing is that the town property is there and he wanted to put the fence on town property. He said he had spoken with Mr. Ponce about doing this. P&Z recommendation was besides the 6ft. fence for Mr. Corral to work with Mr. Ponce on the location of the fence. Vice Mayor Baugher asked why he wanted to put the fence on town property. Diane stated that he wanted to take it up closer to the street. Mr. Ponce stated that yesterday was the first time he had heard anything about this fence, Diane stated that Mr. Corral said he had spoken to Mr. Ponce. Mr. Ponce stated that this was only the second time he had heard about the fence. He asked Diane to explain the situation and he would go forward with it. Diane explained what Mr. Corral was asking for.

Mr. Ponce stated that if council gave him permission to approve or disapprove this he would certainly work with Diane and report back to council either verbally or by phone. Vice Mayor Baugher stated he didn't have an objection granting the variance on the height but he did have a problem with it being placed on town property. Mr. Ponce stated that if

council gives him permission to look at it he would do so. Mayor Williams asked Mr. Ponce to bring a report back to council. Mr. Ponce stated he would report to council before the next meeting if possible. Vice Mayor Baugher motioned to grant the variance on the height of the fence and limit the placement of the fence to the property of the owner. Seconded by Councilman Goff. Motioned carried.

C. Donation of Light Pole to Lions Club

Mayor Williams stated that the Lions club approached him and asked if they could have one of the light poles that were removed from the ball fields. Mayor Williams asked Mr. Ponce if he had any future use for them and Mr. Ponce stated no. Vice Mayor Baugher motioned that the town donate a light pole to the Lions Club. Seconded by Councilman Goff. Motion Carried.

D. Use of Softball Field

Eva Clark stated that once again the softball organization was asking for exclusive rights to the softball field. They would also like to make some request for help with maintenance. Mayor Williams asked if there were some contract issues. Rachelle stated that she didn't write a contract for them this year due to the fact that we had many problems last year. The light keys were lost and the replacement cost for this particular key is approximately \$500.00. Eva stated that they turned in the keys every night after they were finished. She stated the Police Dept. lost the key. Rachelle stated that she was informed by PD dispatch that the light key was not turned in the previous night. Rachelle stated that the lights were the only issue the town had. Rachelle also stated that a bill was submitted for light use and the softball league claimed that they did not use the field during all the months they were being billed for. Rachelle stated that she went by the signature on the IGA to do the billing. The light bill was never paid and her suggestion for this year is that the town bill the softball league monthly. Chief Mullard stated that he has employees that sign out the keys. He stated that as of now were still have not received the light key. Councilwoman Wickham stated that she knows that it cost to replace keys. Councilwoman Wickham stated that she felt we should sign the key out. Eva Clark stated that the dates they wanted to use the fields were May 21, 2009 through June 30, 2009. Vice Mayor Baugher asked if he town was going to provide dumpsters for the field. Mr. Ponce stated yes the town was going to provide the garbage cans. Eva also stated that at last years walk through Leigh Ann asked for the toilets to be fixed and it appears that they have not been fixed. Mr. Ponce stated that he would go or have someone walk through with them and make a list of repairs and take care of them. Vice Mayor Baugher motioned to grant excusive use of softball field to the softball league any tournaments would have to be scheduled through the town. The town will provide garbage cans and help with the fields as available. Seconded by Councilman Goff. Motion carried.

D. Utility Deposits

Rachelle stated that at the last council meeting we had the landlords come because the town was trying to install a new system to make the landlords responsible for the water, sewer and garbage fees from the tenants. We had a follow up meeting with the landlords and the Town Attorney. One of the solutions we had in order to correct this was to increase the deposit from \$50.00 to \$150.00 with the \$15.00 processing fee. Vice Mayor Baugher asked if this was for new connections, Rachelle stated that yes all deposits that have already been made are would be grandfathered in. She stated that there was a follow up meeting with the landlords to review the present contract and make the amendments as needed. The contract will be modified and then turned over to the Town Attorney for approval then, for councils approval. Councilwoman Wickham asked if the \$150.00 deposit would all be refundable. Rachelle stated yea all except for the \$15.00 processing fee. Councilwoman Wickham asked if this was with the idea that if they don't pay their bill the deposit would pay for the balance that was left by the customer. Vice Mayor Baugher motioned to increase the water deposit from \$50.00 to \$150.00 with the processing fees remaining at \$15.00. Seconded by Councilwoman Wickham. Motion carried.

E. Trucks for Public Works

Rachelle stated that Council had given her to attend the Auction that Freeport was holding to see if the town could get newer vehicles for Public Works. Unfortunately they gave the trucks to security and auctioned off the security trucks. Rachelle said she did some shopping around and found 3 new trucks with a three year warranty out of Tate's in Coolidge for the amount Council had previously granted. Rachelle asked council for permission to purchase the three trucks. Councilman Goff motioned to purchase the three trucks for public works. Councilwoman Wickham seconded the motion. Motion carried.

F. IGA with Pinal County For Animal Control

Rachelle stated that every year the Town has an IGA with Pinal County for animal control. This year the IGA has an amendment regarding kennel fees for \$42.00. Vice Mayor Baugher motioned to approve the IGA with Pinal County for Animal Control. Seconded by Councilman Goff. Motion Carried.

7. Executive Session – Pursuant to A.R.S. 38-431.03 A(1)(3)

- a. Discussion or Consultation for legal advice with the Attorney or Attorneys of the public body regarding cattle at large with Police Chief. Mayor Williams stated that he put this on the agenda and he would like to entertain a motion by someone for no more that 20 minutes to include council, clerk, police chief and Mr. Ponce. Councilman Goff motioned to go into executive session with the Town Attorney, Mr. Ponce Chief and Council. And the Town Clerk for 20 minutes. Seconded by Councilwoman Wickham. Motion carried.

Entered into Executive Session at 6:30 p.m. Exited Executive session at 6:55 p.m.

Executive Session- Action Pursuant to A.R.S. 38-431.03

- a. Discussion and/or action regarding legal advice with the attorney of the public body. None

G. Fence for Cattle

Mayor Williams asked if the ranchers had a spokesperson. Mr. Hendrickson stated that he would speak. He stated that he was willing to put up the fence with minor cost to the town, but he cannot put in a cattle guard on the county road and he cannot arrange for the landowners to be alright with him being out on the properties. Mr. Hendrickson stated that the maximum cost to the town would be \$3000.00. What he is also proposing since the kids like to cross the fence on their bikes. He would put in small cattle guards so the kids won't cut the fence. He would place 8 cattle guards along the fence area. Mr. Hendrickson was asking the city or county to put in the cattle guard. He claimed that if we didn't put up the fence the town and the ranchers both hold a considerable amount of liability. Town Attorney Tresa Georgini stated that we would have to get permission from the landowners that we were crossing their property. Mr. Hendrickson stated that almost all the fence was already there all they were doing was repairing it. The only place that there is no existing fence is from the Lion Club to Yandells this would all be new fence. There are other places where there would be new fence but there is already existing fence there they will just be replacing it. Mayor Williams asked the Attorney that even though there was existing fence do we still have to contact the landowners. Tresa stated that yes you do. The Mayor stated that that is something we have to do first. Mr. Hendrickson stated that all they wanted to do was work with the town to help solve this problem. Vice Mayor Baugher stated that he had no problem paying the \$3000.00 for the fence and he liked the idea of the small cattle guards for the ATVs. His other concern would be who is going to be responsible to maintain the fence and replace it when the river floods. Mayor Williams stated that the point about the maintenance and replacement if necessary we would have to enter into some type of contract because you can't do it on your own. Mayor William stated that before we can move forward we are going to have to talk to the landowners to see if they would allow us to do this. Council directed Mr. Ponce to follow through with the ranchers. Mayor Williams made the suggestion that Mr. Ponce and a couple of the ranchers get together and identify where the fence is going to go. And find who the property owners are, and where the ranchers suggest to put the cattle guard at. Councilman Goff stated that Mr. Ponce could get the information and get back with council. Vice Mayor Baugher stated that this still has not resolved the problem with the cows coming into town. Vice Mayor Baugher asked if it was his understanding that Mr. Hendrickson said that up to \$3000.00 from the town for materials and that would take care of the

fencing either repair or replacement, with the exception of the cattle guard in the roadway. Vice Mayor asked if this was without the town providing the labor. Mr. Hendrickson stated the cost is just for the materials and that would be the maximum cost to the town. Rachele asked if this would be in a contract and resolution. Vice Mayor Baugher motioned is to spend \$3000.00 towards materials at such time we adopt a resolution that will be drafted as well as the contract. Seconded by Councilman Goff. Motion carried.

8. Adjourn

Councilman Goff motioned to adjourn. Seconded by Councilwoman Wickham. Motion carries.

I certify that the following are a true and correct copy of the minutes of the Town Council meeting held on May 21, 2009. I further certify that the meeting was duly called and held.

Town Clerk

Vice Mayor

ATTEST:

Town Attorney