

**Town of Mammoth
Minutes of a Regular Meeting
October 15, 2009**

MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH HELD October 15, 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

The pledge was led Mayor Williams

3. ROLL CALL

COUNCIL MEMBERS PRESENT

Mayor Williams
Councilwoman Wickham
Councilman Barcelo
Councilman Ramirez
Councilman Goff
Vice Mayor Baugher
Councilman Romo

STAFF PRESENT

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

COUNCIL MEMBERS ABSENT

STAFF ABSENT

Tresa Georgini

COMMUNITY MEMBERS PRESENT (Per sign in sheet)

Joseph Brewer	Diana Stirling
David Williamson	Ed Roll
Adam Peoble	Diane Theobald
Larry Ramirez	Rachel Medina

4. CONSENT AGENDA

Councilman Ramirez motion to consent agenda as presented. Seconded by Vice Mayor Baugher. Motion Carried.

5. CALL TO THE PUBLIC

Diana Stirling stated that she wanted to thank council for their support the intent to apply for the construction grant however we were not invited to apply. The reason is that they looked at the square footage and the usage

numbers. They used the usage numbers from 07/08 and our numbers were quite low that year. We will try again next year since our numbers are quite a bit higher now.

Juan Ponce introduced himself as Tucson Leones de La Noche Lions club and on October 3rd the club with the help from the San Manuel High School Wrestling team came in and cleaned up the 5th street park. He had some pictures that he wanted to share with council. Mayor Williams thanked Mr. Ponce for their efforts.

Joe Brewer, stated that since May 2009 he had been trying to get a copy of the town ordinance regarding the connecting and disconnecting of the town sewer. He stated that one of the town clerks quoted him of the top of her head the ordinance. He stated that when he asked her for a copy she could not provide it for him. He stated that he was told that the only way he could disconnect the town sewer was if only if he had a private well or if he disconnected the sewer and the water. Since she couldn't find the ordinance for him he figured that maybe she would find it for the county supervisor. The county supervisor never received a copy of the ordinance either. Mr. Brewer stated that since he never signed any contract with the Town of Mammoth for sewer services the town is forcefully taking money from him which they have no legal right to, as you see in the papers I handed out to you I signed a paper on June 4, to have his sewer disconnected on June 5, termination of utility from was filled out. Mr. Brewer wanted to know what the town was going to do about it? Mayor Williams stated that this was call to the public and here would be no discussion on the subject. Diana Theobald, stated that there is a town code and a copy of this code was given to Mr. Brewer and the code states that he is required to have this service.

Clifford Deathridge, stated that the side walk that is in front of the Circle K going to the cemetery. He was under the impression that the money for this project was there to complete the walk to Highway 77. For some reason it hasn't gotten done and he's been asking questions about it to different council members and has been told that the money is appropriated and it will happen when ADOT comes up with a schedule to do it. Now he's hearing that is the project is no longer going to be done. He feels that the council owes the citizens of Mammoth an explanation of why it's not going to go in. He also wanted to ask Mr. Ponce on the cleaning of the fire hydrant near his street is public works finished working on it. Mayor stated once again this call to the public no discussion will take place.

6. NEW BUSINES

A. Cielo Update

Frank Thompson was unable to make the meeting so Ed Roll and David Williamson made the presentation. Mr. Roll wanted to discuss where the project was at date. At present time they are in the process of doing and amendment to the Master Development Plan and the amendment will be

turned into the town in a couple of weeks. Also they went ahead and are looking on developing this much of Cielo which will be done as a block plat. There's commercial, trails, walkways and houses the wastewater treatment plant, water plant and there's trail through the subdivision connection of the tiger mine and the Arizona Trail which lines up with American Avenue in the town of Oracle. Mr. Williamson stated that they just wanted to give the council an update and that they would be coming forward to P& Z next month then they would return to council. Mr. Roll explained that the exhibit that was on the floor is basically of the block plat and the way it would be split up. The idea of the block plat is to a lot certain areas and as those areas became developable they would be able to be made into smaller parcels so the average lots would range from 35 to about 60 acres and then developed in a progressive way so the utilities and everything fit together. Mr. Ponce asked if on this map this was American Ave. and this was Highway 77 there is a road that comes out further down. Mr. Williamson stated yes. Mr. Ponce stated that ADEQ has been asking about reports for the wastewater treatment plant. If he were to take them up there and show them the area as to where it's going to be. Right now his reports show not constructed. He asked how to get up there to show ADEQ where the plant will be located. Mr. Williamson stated that there's a road off the gas line and if needed they can come out and give them access to the property. Mr. Roll stated that the Block Plat that they show is basically what they are proposing and the other is basically how the blocks would go. Block A would be 269 acres, they are broken up so the developer would have the flexibility of being able to sell the block and the buyer of the block could say he wanted to go ahead and put a Walgreens on that block and they would do a development plan. Councilwoman Wickham asked with the amendments that are going to be made if anything is going to be changing as far as lot sizes. Mr. Roll stated no basically we started Cielo at 3685 acres the amendment reduces that to about 3025 so that cuts it down a little bit but the density stays the same. What they are proposing to do is something that is being done in Cochise County which is called self certification. So the engineer on the project will come in and do the design and the self certification with inspections with approval of the towns public works department, then it would be certified that it was done with the correct standards. Councilman Romo asked what will the town have to do to prepare for the first stages. Mr. Williamson stated that depending on how it's set up with the agreements it will depend they don't mind taking at far from the stand point of self certification. When they go through the new agreement council will have to review the documents and then the standards will be set up on how we need to go. Today there is not a process that is something that we will be going through. Since the town does not have the engineering staff we will do the self certification then bring it to the town. Councilman Ramirez asked when are we actually looking at build to start. Mr. Williamson stated that looking about two to three years. Councilwoman Wickham stated that a book was presented to planning and zoning that had the responsibilities for the town and since we have new council members it may be a good idea to reissue the book for those who haven't read it. Diana Stirling stated that we were just selected by the National Parks service rivers, trails and conservations program to design a

master trails plan for Mammoth, she stated that we would like to participate in the trails planning in the development before things get finalized. Mayor Williams thank Mr. Williamson and Mr. Roll for the update.

B. Resolution 2009-002

Rachelle stated that the Resolution that was turned in for the next CDBG funding was incorrect it stated waste water instead of drinking water improvements this resolution was amended with the corrections. She was asking councils approval for corrections and to resubmit. Vice Mayor Baugher motioned to adopt Resolution 2009-002 with the correction. Seconded by Councilman Ramirez. Motion carried.

C. Hiring for Public Works

Mr. Ponce stated that he wanted clarification on the hiring freeze. Mayor Williams asked if anyone was aware of the hiring freeze that was placed. Councilman Barcelo stated that department heads had to come to council for approval. Mr. Ponce stated he understood the hiring freeze was only for creating new positions. Councilman Barcelo stated that council has to approve any new hiring. Mr. Ponce wanted an explanation. Councilman Barcelo stated that anytime a new employee was going to be hired department heads had to come to council for approval. Councilman Romo asked how Mr. Ponce was justifying hiring of new employee for his department. Mr. Ponce stated that they are not able to keep up with the work. He has people that are classified as operators working as labors. Councilman Barcelo stated that he was going to ask about this because he can see that there is work that needs to be done around town. Councilman Ramirez asked if we were replacing employees when they leave. Mr. Ponce stated that he has not replaced the last employee that left he has been working with a crew of 6. Mr. Ponce stated that he would hire them as part time labors. Mr. Romo stated that he would like to see Mr. Ponce's work schedule jobs that are coming up and jobs that are being done to see if there really is a need to hire. Vice Mayor Baugher asked if we were financially in a position to fill tow vacancies. Rachelle stated that the positions are budgeted but with the drop in connections the revenue is not there for two vacancies. Vice Mayor Baugher motioned to approve to fill one labor position. Seconded by Councilman Ramirez. Motion went to vote.

Councilwoman Wickham - yes

Councilman – Goff - yes

Vice Mayor Baugher - yes

Councilman Barcelo - yes

Councilman Ramirez - yes

Councilman Romo - no

Motion passes votes 5 yes, 1 no

D. Resolution 2009-010 – Cities and Towns Week

Mayor Williams stated that this is something that the Town passes every year. Rachelle stated that she would like to inform council that this year the Mammoth Volunteer Department was going to have a member read to the

children at the library on Monday October 19th, at 5:00 p.m. as part of the cities and Towns Week. Vice Mayor Baugher motioned to adopt resolution 2009-010. Seconded by Councilman Ramirez. Motion carried.

E. Letter of Resignation Chief Mullard

Mayor Williams stated that Chief Mullard has tendered his letter of resignation and would a consider a motion from council. Councilman Barcelo motioned to accept the resignation of Chief Mullard Vice mayor Baugher stated that with regret he seconded the motion. Motion passed. Mayor Williams presented Chief Mullard with a plaque of appreciation for his service to the Town of Mammoth.

F. Buying at Home

Councilman Goff stated that he would like to thank all department heads for doing as they were directed by council and buying locally. Councilwoman Wickham stated that she would like to see the name of the ex Town Clerk removed from the Home Depot bill.

G. Ordinance 191 Tax Code Amendment

Rachelle stated that this is a routine Ordinance. In order for the towns sells tax to be collected the Ordinance has to be approved. Vice Mayor Baugher motioned to adopt Ordinance 191 Tax Code Amendment. Seconded by Councilman Barcelo. Motion carries.

H. Resolution 2009-011 Amendments to 2008-2009 Tax Codes

Rachelle stated that this is the Resolution to support Ordinance 191 Tax Code Amendments. Councilman Ramirez motioned to adopt Resolution 2009-011. Seconded by Vice Mayor Baugher. Motion carried.

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

- a. Discussion or consultation for legal advice with attorney or attorneys of the public body. Rachelle asked to go into executive session for no more than 10 minutes. Vice Mayor Baugher motioned to go into executive session for no more that 20 minutes with the Town Clerk. Seconded Councilman Ramirez. Motion carried.

Entered Executive session at 6:45 p.m.

Entered regular session at 7:00 p.m.

Council Comments

NONE

8. Adjourn

Councilman Ramirez motioned to adjourn. Seconded by Councilman BarceloMotion carries.

I certify that the following are a true and correct copy of the minutes of the Town Council meeting held on October 15, 2009. I further certify that the meeting was duly called and held.

Town Clerk

Mayor

ATTEST:

Town Attorney