

**Town of Mammoth
Minutes of a Regular Meeting
September 17, 2009**

**MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL OF THE
TOWN OF MAMMOTH HELD September 17, 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 by Mammoth Elementary students of the month

3. ROLL CALL

COUNCIL MEMBERS PRESENT

Mayor Williams
Councilwoman Wickham
Councilman Barcelo
Councilman Ramirez
Councilman Goff

STAFF PRESENT

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

COUNCIL MEMBERS ABSENT

Vice Mayor Baugher
Councilman Romo

STAFF ABSENT

COMMUNITY MEMBERS PRESENT (Per sign in sheet)

Joseph Brewer	Diana Stirling
Lovelía Perez	Jenny Tellez
Lovelía Rivera	Diane Theobald
Jennifer Carnes	Barry Hoben
Larry Ramirez	Rachel Medina

4. CONSENT AGENDA

Councilman Ramirez motion to consent agenda as presented. Seconded by Councilman Barcelo. Motion Carried.

5. CALL TO THE PUBLIC

NONE

6. Public Hearing

Mayor called for public input on the application to sell alcoholic beverages at Circle K located on Hwy 77. None was heard.

7. NEW BUSINES

A. Council Decision on Liquor License at Circle K.

Councilman Barcelo motined to accept the sell of liquor at Circle K. Seconded by Councilman Ramirez. Motoin Carried

B. Incentive for Certification

Rachelle asked council if they were going to give incentives to employees as they received certification. Mayor stated that there had been discussion before and the amount was a fifty increase with each certification. Councilwoman Wickham stated that a dollar had been discussed. Councilman Ramirez stated that he remembered it being a fifty cent increase several years ago. Councilman Ramirez stated that fifty cents is not worth the headache they will be getting. He was wondering if it should be made a dollar for the responsibilities they will be getting. Councilwoman Wickham stated that we need to keep the employees motivated because we need them, so even if we start them at fifty cents and maybe a little more with each certification. Mayor Williams stated that the suggestion made is fifty cents for every certification. Mr. Ponce stated that right now in Mammoth we need certification in grade 2 both water and wastewater. Councilman Ramirez motion that a fifty cent raise be given to employees upon completion of certification. Seconded by Councilman Goff. Councilwoman Wickham asked if this was without adding a twenty five cent increase for each certification. Coucilmnan Ramirez stated no that the increase was fifty cents each certification. Motion carried

C. Apache Gold 12-D Fund Grant

Diana Stirling asked Council that at this time she was asking Council to table this item the information that was needed for this grant was not all available to us at the time. Councilman Barcelo motion to table Item C. Seconded by Councilman Ramirez. Motion Carried.

D. Library State Grant Aide Construction

Diana Stirling stated that there was a possible opportunity from the State Library they are offering construction money. The Library gets grant aide money every year that's not for construction. The circulation at the library has increased from last year. The library is very busy now and as everyone knows it's very small. We really can't add an addition so she has an idea and she wanted to inform council. The process for this grant is due in the next week we have to submit a letter of intent to apply. This will require a letter from Council and Council would have to be willing to have the line item in the budget by the end of this year. What Diana thought she would like to do is

build a retaining wall move the AC unit up to keep away from vandals. Tear up the concrete and pave with red brick put in another tree and make planters high enough that they double as seating. She would also like to extend the awning to create more shade for people who are accessing the wifi. If the Council decides to apply the Town would have to have a 50% match and the construction grant would pay 50%. It has to be a cash match. The estimates that we got are \$40,000.00 so the town would have to match \$20,000.00. Mayor Williams asked if we had looked anywhere in the budget where we could take the \$20,000.00. Diana stated that the projected had to be completed by June 30, 2011, but the matching cash has to be available by December 31, 2009. Rachelle stated the funding is not a problem, the problem is that we can't increase the budget. She stated that she would look into the legalities on the line item addition. Councilwoman motioned that the town commit to the intent to apply for the grant contingent on whether we have the money. Councilwoman Wickham made an addendum to the motion made that the town would match half of whatever the estimate is. Seconded by Councilman Barcelo. Motion carries.

E. Commissioners

Mayor Williams stated that he would let Councilwoman Wickham address this item. Mayor Williams stated that he had talked to her and that he was considering making appointments and she suggest that council have some discussion. Councilwoman Wickham stated that her concern was number one is there already a description for a commissioners duties. Councilman Barcelo stated that Resolution 260 covered the description. Councilman Barcelo stated that commissioners are appointed by the Mayor he has been on every commission and he is not interested in commissioners. Councilman Ramirez stated that he felt things were working alright without commissioners. Mayor Williams stated that in light to Resolution 260 coming to our attention maybe we can get the resolution out to council and have further discussion at another meeting. There was no action on this item just information.

F. Cutting of Fence

Lori Mercer who asked for this item was not present so item had to be tabled.

G. Enforcement Officer

Larry Ramirez stated that he would like to see enforcement officer for the Ordinances that had been rewritten. He stated that it specifically stated that the enforcement would be taken care of by the police department. The reason he was asking for the enforcement officer is that years before when we were kids hiding in cars parked on the side of the roads that was all good because if you got a scratch you'd go home mom would pour the alcohol and band aide. Now it's not like that now we have law suites. Not only is it blight on the town by having no enforcement but it's a law suite waiting to happen. If someone gets hurt because we didn't enforce a ordinance and an attorney gets hold of that the town shows negligence because we didn't make an effort to enforce the ordinance. Mayor Williams asked to have someone in this capacity would they have to be an employee. Larry stated that he didn't feel this would have

to be a full time employee and the revenue that was brought in would subsidize the salary it could become a self sustaining position. Mayor Williams stated that it didn't necessary have to be a police officer it could be a public works employee. Larry stated that the resolution states that the police department would be the enforcer but that can be changed. Larry just felt that it was time to address this issue. Councilman Barcelo stated that the police department doesn't have the man power to do this. Larry stated when you go to a mechanic to have work done and you sign a document and the document states that you're having this work done and you agree to the repairs you agree to pay for it. Rachelle stated that Chief, Diane and herself had a meeting regarding the Ordinances because the towns Ordinances are so vague that there is always some loop hole that keeps him from enforcing the ordinance. Councilman Barcelo stated that when McCarville was here they had a standard form that was used the form gives them 30 days to clear up the problem and if it's not cleared up in the 30 days the city goes in and cleans it and put a lean on the property. Rachelle stated that what they tried to do when they met was to get the ordinances reworded so that they would be enforceable. Chief Mullard gave Council a copy of the form that is used presently. He explained how his department enforces the ordinance. Tresa stated that when the courts get the citation for refuge it's her understanding that the town intends to give time for cleaning so they are given an opportunity to clean. If it's clean then the charges are dropped. Mayor Williams stated bottom line it will get cleaned. We may not get any money but it will get cleaned up which is exactly what we want to do. Councilman Barcelo stated that this is worth pursuing because this is a big problem we have in the town and we have to clean this town up. Mayor Williams stated that if council decides to go with an enforcement officer how are we going to fund this position. Rachelle stated that there is not a line item for this position in the salary and wages. Is Larry asking the town to hire someone or is he just asking that we start enforcing the ordinances Larry stated that he preferred that they be enforced. Mayor Williams stated that there is no argument that we want this to be enforced and that we need somebody that's devoted to it. The question is how are we going to do it there are a lot of particulars and legalities to it. Mayor Williams stated that he hated to say this because it seemed like we were once again putting this off again. Larry stated that he was aware that council would not be able to move on this tonight but he wanted to bring this ordinance issue to councils attention.

Mr. Ponce asked council if item I could be placed before item H. Councilman Barcelo motioned to move the two items. Seconded by councilman Ramirez. Motion carried.

I. Ratification for expenditure exceeding \$1000.00

Mr. Ponce stated that he was asking for ratification for the Flow Meter he ordered for 2143.44. He stated that ADEQ mandated that he order a flow meter. Councilman Barcelo motioned to approve the purchase. Seconded by councilwoman Wickham. Motion carried.

H. Authorization for Electrical Installation

Mr. Ponce stated that he had Oracle Electric come out and give him a estimate on the cost to run electricity from the lab to the bar screen where the flow meter will be located. Councilman Ramirez motioned to approve the installation of electricity from Oracle Electric for \$1995.24. Seconded by Councilman Barcelo. Motion carried.

J. Authorization for expenditure exceeding \$1000.00

Mr. Ponce stated that Brim pump for #4 well was out he removed it and is asking council ratification on the expenditure of \$6144.55 the cost of the new pump. He stated that the old pump would be sent in for repairs and would be used as a backup pump. Mr. Ponce stated he had the funds in the budget. Councilman Goff stated if this would be a good investment to have this as a standby. Mr. Ponce stated yes. Councilman Goff motioned to purchase the Brim pump and cell assembly and send the existing one in for repairs and get a quote. Seconded by Councilman Ramirez. Motion carried.

K. RICO funds for additional officer

Chief Mullard stated that there was \$194,000.00 in the RICO account. He was proposing taking roughly 2/3 of these funds and paying an officer for two years during that two years we should have the cops grant. If we get the cops grant he would have this officer for two years plus an additional three years with no cost to the town. The basis behind this request was that he has himself plus four officers he needs a minimum of five people to staff 24-7. He has himself plus three officers the fourth is in the academy due to graduate in January. He has another candidate fresh out of Phoenix PD willing to come here if he's willing to pay him he can put him to work pretty quick. Chief was asking the town for approval of these funds for this use. Councilman Goff motioned to allow Chief Mullard to use RICO funds for an additional officer for two years. Seconded by Councilman Barcelo. Motion carried.

8. 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. Matters with the Chief of Police.
Councilman Barcelo motioned to enter Executive Session for no more Than 5 minutes. Councilman Goff seconded the motion. Motion carried
Entered executive session at 7:15 p.m.
Resumed regular session 7:20 p.m.

Council Comments

NONE

8. Adjourn

Councilman Barcelo motioned to adjourn. Seconded by Councilman Ramirez
Motion carries.

I certify that the following are a true and correct copy of the minutes of the Town Council meeting held on September 16, 2009. I further certify that the meeting was duly called and held.

Town Clerk

Mayor

ATTEST:

Town Attorney