



## Town of Mammoth

### MINUTES OF THE REGULAR MEETING OF THE MAMMOTH TOWN COUNCIL

HELD ON JUNE 15, 2017

Minutes of a Regular Meeting of the Mammoth Town Council held June 15, 2017 pursuant to the notice required by law.

1. **Call to Order**

- a. Mayor Dietz called this meeting to order at 7:01PM

2. **Pledge of Allegiance – Bob Sloan**

3. **Roll Call**

a. **Council Members Present**

Mayor Joe Dietz  
Vice Mayor Al Anaya  
Councilman Bob Sloan  
Councilwoman Rogina Medina  
Councilwoman Frances Amparano  
Councilman Bustamante

**Staff Members Present**

Stephen Cooper, Attorney  
Don Jones Town Manager  
Tammy Villar Police Dept.  
Sharon Christiansen Librarian

**Council Members Absent**

Vacant Seat

4. **CALL TO THE PUBLIC - Pursuant to A.R.S. § 38-431.01(H)**

A public body may make an open call to the public during a public meeting, subject to a three (3) minute limitation to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

- a. Terry Adams-Apologizes to the Council for the outburst at the last Council Meeting. When the Mayor allows a citizen to talk he should be able to talk without other councilmen overriding him. My actions are still inexcusable and I ask for you to forgive my outburst. Refer the rest of my time to Annie Martinez, Thank you. Mayor Dietz accepted the apology from Mr. Adams.
- b. Alice Martinez-Here I am once again, My Action Agenda against Don Jones is not on the Agenda. I thought with a new council my complaints would be heard. Citizen complaints don't matter in this town, it has been that way for years, where is our city government. I will not stop until my complaint is heard either here or wherever I have to go.
- c. Albert Martinez-I am referring my time to Annie Martinez, who is next on the list.
- d. Annie Martinez-Thank you, I would like to bring you attention to item 7c on your agendas. I hope when you received your packets you took a long hard look at them. You will notice there is an action agenda form from me on behalf of the Mammoth Little League, that action agenda form covered the pool party and the lifeguards. If you look at the final agenda you will see that it states "we will pay for lifeguards", that is not how it was written. I asked Mayor Dietz if this was his doing or if the Town Manager did this. He responded "that it was his doing because he doesn't feel the town should have to give the life guards for free" You are a 7 member council making the decisions not one man. I just want you to be aware that this was not how the action form was written. One of the things I want you to consider is when 7c comes up on the agenda tonight, Little League is a non-profit (there is a brief

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explanation of what the cost are to continue to provide this service) any monies made by the concession stand go back to the league to cover costs, this sport is not cheap. It is hard enough to come up with enough money at the end of the year to start the next year. I also want you to know that when I filled out the action agenda form, whether it was the incompetence of your Town Manager or the staff at the front desk, I received a call stating that my agenda form had been misplaced and was give by mistake to the town auditor. I would need to come in and fill out a new form. I came and filed another one, Blair from Softball received the same notification and filed a new form and as you can see she did not even make the agenda, hers was denied. Little League is non profit and we need the pool for free. As Mr. Cooper stated in the April 20<sup>th</sup> meeting, "Because the town has no community youth programs other than the library, the you programs provided by the Little League and Softball save the town from having to provide this service. As a council you can choose to donate back to these organizations, it is giving back to an organization who is providing services that you as a council should be providing. Since you are not we are doing it for you. Please, we are asking the council to cover the cost of the pool and the lifeguards in order to help us to help you to continue to provide these services to the community's youth. Second, if you will look at your pool update from April, that was given to me as the contract between the Sea Lions and the Town of Mammoth. They gave the S.T.E.M. School the pool and the lifeguards for free. Sea Lions have never formally come before this council and asked for rights to the pool. The Sea Lions have never come before this council for a contract or any other rights to the pool like the Little League and Softball must do every year. This was an illegal agreement made between Don Jones, your town manager and Wendy Gort/Sea Lions. This is not something that went before you 7 on the council and as Mr. Cooper can tell you, anything that does not go through the council is a big NO NO, and is a violation of Arizona Revised Statutes. So you need to look into that because he (Don Jones) is making deals on the side that you are not aware of. Just so you know and have the information the Sea Lions are paying \$20 per person for eight months use of the pool while our children are paying \$3 for a two hour block. Something is seriously wrong here. When did Mammoth stop caring about our kids and start dictating that San Manuel could have everything, they already have our school and now our pool. This is something you can rectify, I am asking this council to please go through this and rectify this situation. One other thing I want you to be aware of is, you guys have on the agenda to appoint Don Jones as Interim Public Works Director. If you look at your book on Policy and Procedure, Where does it say that the town manager's job is to fill in for other departments? That is done by you 7. One of you should step up and fill this need not the town manager. If this is a position that is really needed why is it not being advertised? Why are we not looking to fill this position? Why, because Don Jones wants it himself. Your town manager is slowly trying to take over every position within the town and get paid for it. I am asking that you 7 seriously consider what you are doing, you seven tell him what to do not him telling you what to do. Consider that when you make your decision on this matter. Thank you.

- e. Ernest Bustamante-Representing the Steel Workers Union- Update-Concerning Comp time, this still has not been moved on. We are still looking for your support, comp time legislation is still stuck in the Senate, As of this date the 9<sup>th</sup> Circuit Court has not made a decision on Contracts, Bonuses, Miners, new employees /everbody else including me. This is going to be a landmark decision when it gets to the 9<sup>th</sup> Circuit Court and we get a decision. I hope it is positive for us. I hope we get what everybody deserves. These are monies that were awarded legally by an arbitraitor. Since the last time I talked about this, more charges have been filed against ASARCO, a total of 7 new charges. The Board has ruled in favor of the Union in the previous rulings. We await the decisions. I want to Thank everyone for their support. We are waiting on the December "Take It or Leave It" proposal and are working in good faith and we hope the results are positive. Steel Worker Unions and The Coalition of Unions have been working on this for 7 years as of June 30<sup>th</sup> this year. That is why I am up here today. Thanks to everyone for supporting us.
- f. Sue Burrello-I don't know where Annie is getting her information from, I worked for the Fire Dept. for about eight years and we would get the pool for free but we always paid for lifeguards. It came from the monies raised. It was standard that we paid for the lifeguards. I don't know where this information is coming from, That's what we were told and that is just the way it was. We get the pool for free and pay for the lifeguards, to me that is a Gongga. I don't know what the problem is, I really don't. You get the pool for free and pay the lifeguards, what's the big deal. Stop Whining!

- g. Mayor Dietz-Before we go on, I would like to defend my council here. They are doing a good job here. Before we even have a meeting, I make sure that I talk to every council member and tell them that these are your votes, it does not matter if we see each other at Dollar General or have Dinner together, it does not matter when we are here we are separate people each member has their own vote. We vote for the best for the kids, the city and the people, It does not matter if we disagree here when we get outside we are friends still. I want to ask the public to quit badgering my council, including myself with phone calls and also after the meetings we get our backsides chewed out. People saying we are going to recall you or impeach you. We are here on a Volunteer Basis, if we are not doing a good job, which I think we have one of the best councils in a while, some people don't agree, if you don't then by all means find someone else. I am going to do my best to do what is right for the kids, the city, the employees and the people. I am going to make a lot of mistakes but if anyone on the council or in the crowd thinks we are not doing our job then please get someone else to take our place, Please we are volunteers and are doing our best. You will not hear a peep out of me, if you think I am not doing my job then replace me, I will just say Thank you and be on my way. I will walk away knowing that I have done my best. Thank you
- h. Vice Mayor Anaya-Like Mayor Dietz said, we are doing our best, we cannot satisfy everyone. But here is the thing, I know that we (the council) are doing our best, trying to do some things for the town, make it better, fix the streets, the sewers and leaks around town, and whatever. But if there is something, this is my town and this is your town, so instead of yelling and this and that, let's be a little professional and keep it cool. We are looking for solutions not more problems, if you have an idea bring it to us. If there is someone here that can help us, tell us you would like to volunteer to help with whatever is going on at the time. Our workers are out there always, I have got my weed eater out and went to help a little not 8 hours but maybe 45 minutes, something to help is better than nothing. It would be nice for someone to do like Mike Martinez, he has volunteered many times to help as well as helping on his own to help this town. This is the kind of people we need here, if we can all come together to work on this project or wherever we need the help, then we can all say how proud we are of our town. We only have 5 or 6 people in public works to take care of the whole town and it is not an easy job. We all need to be professional and bring solutions and ideas, whatever we can do to solve these problems. Help the council to solve the problems our town faces. Thank you.
- i. Councilwoman Amparano-I appreciate everyone voting for me and I am proud to have a seat on this council. I am volunteering my time for water aerobics because we need something for our older citizens as well as our kids. This is a free class on Tues. and Thurs. from 8:30-9:15 AM. What I want to say is by working together we will get ahead, but not by getting upset and wanting this or wanting that. If lifeguards cannot be paid for by the town then I would be will to fund raiser for the monies to do this our kids deserve it. Our kids here don't have much, Thank God we have people volunteering for Little League and Softball. It takes a lot, I was a coach and a manager, and I know the time and effort it takes to provide these services. This is what I want for this community; I want us to be together. If there is a problem, that is why we are here, we don't need the bickering and fighting, we don't need to be putting bad things in the paper about the council and this or that. We need to work together and we will get ahead. I think we have a very good council here, we hear a lot of good things about our little town of Mammoth. We were in a lot of trouble for awhile and we have come a long way, this community can really be strong. We have wonderful people who donate their time, I know Annie gets frustrated at times but she is doing a lot for our kids, and with time things will get better. I want to thank everyone on this council.

5. APPROVAL OF MINUTES

- a. FOR REGULAR MEETING OF May 18, 2017
- b. Councilman Bustamante-Last meeting I made a comment on the Heritage Foundation but it did not appear in the minutes. This is okay though, I did not have the packet at the time and now I do so I will add this to the Commissioner Comments Section.

Motion: Councilman Sloan Second: Councilman Bustamante

Motion Passes Minutes are Approved Vote is 6-0

6. MAYOR AND COUNCIL COMMENTS –

- a. Councilman Sloan- Staff complaint from the pool, concerning the storage of a piano there, this area is needed for pool supplies not misc. items. Piano was donated by Diane Sterling. Councilwoman Medina asked "Why was it moved from the Community Center?" Pablo Rodriguez, prior employee of Mammoth mentioned that while he was here, it was located to the community center in the hopes of beginning a music program. However, the community center was being rented out and there were concerns about the children getting hurt or breaking it. We were asked to move it at that time. Councilwoman Medina stated that it should have been locked up in the closet at the community center where it was placed previously. Councilman Sloan indicated that we should donate it to a school music program. Mayor Dietz mentions that they will look into this and maybe donate or raffle it for the benefit of the children.
  - b. Councilman Bustamante-I just received the packets from the Heritage Foundation, this is a sample of a grant that was approved, (when we met with fish and game not as a town, just for informational purposes and possibilities) This is a sample application grant and is a good example to look at on how to take steps to navigate through the Heritage Fund Grants. This is for enhancement projects, especially parks in the way of landscaping and what have you. This is very good when you have a park system there are quite a bit of monies available. I will get everyone copies so you can look them over and study them. The second thing is that we are looking from 2017 to 2020. The significance of this 2020 date is the census. So in 2020 when the new census results are in these tell you what monies are available to us budget wise at the Federal and State levels. We have a shrinking dollar and when you also have a shrinking population you have a balancing act. I am hoping at the federal level monies can be appropriated so that small towns are not being penalized every budget year. Don Jones asked "What about the fish?" That is in here too, I will get together a packet for you on this as well. Fish and Game are very cooperative and they work with you. Like anything else it takes small steps, but it is good to have a good working relationship between them, the commissioners, and the public. Vice Mayor Anaya stated that the cost is like \$3000.00 to stock, and that Kerney is willing to split that cost. Councilwoman Amparano stated that Kerney is having problems with fish dying. VM Anaya stated that fish and game has tested our water and the same problem does not exist here. They will resample water at a later date to confirm these findings, but we should be okay.
  - c. Here Town Manager Don Jones asked for Wendy Gort to make a statement at this time concerning information about the Mammoth Pool and the Sea Lions, citing that she had fantastic information concerning the pool issues. She was given the floor by Mayor Dietz, At this point Annie Martinez step in and commented, "You are out of order, according to Robert's Rules of Order, you must wait until it comes up on the agenda, rather than just throw it in wherever. If you want to start enforcing parliamentary procedure and Robert's Rule of Order you must wait until it comes up on the agenda and then you can ask her to speak, Mr. Cooper can tell you I'm right." Mayor Dietz stated: when someone asks to speak we have always let them.
- THE MEETING CONTINUED PER THE AGENDA AT THIS POINT

## 7. CONSENT AGENDA ITEMS

- a. Staff Recommendations and Reports  
Included are Town Clerks Report, Police Report, Public Works Report, Library Report and Planning/Zoning Report.
- b. Accounts Payable for Payment and Filing
- c. Approve request by Mammoth Little league to conduct Pool party. Little league will be responsible for lifeguard hours.
- d. Approve request by Mammoth Head Start to conduct party on Wednesday July 12<sup>th</sup>, 2017 from 10:00AM to 1:00PM at Town Community Center and waive any fee for usage.

Councilwoman Medina asked for an update on the Cecil Trucking Sewer Issues from the Public Works Report, Town Manager stated that there are engineers working on that site and that currently there are blue stake issues that are being addressed.

Chief Villar gave oral Report: We are in the process of identifying systems and processes the need to be updated that were created with long term goals in mind. These have not been updated since the early

1980's there is significant work to be done. I am also working with Pinal Co. Sheriff looking into the transfer of the Communication Center to the Pinal Co. Sheriff. This will save the town about \$71,000, this will be something we will discuss more at the Budget Meeting. If we are to continue 24 hour enforcement this is a route we will have to assume. This will allow 24/7 coverage without the cost of new repeaters and radio towers. We will go into further detail at the Budget Meeting.

Public Works, Library Report and Planning and Zoning reports were addressed and the meeting continues.

Motion is made by Councilman Bustamante and a second is placed by Councilman Sloan ( Mr. Cooper interjected at this point that the Consent Agenda includes not only these items but items B, C, and D as well) Again the motion is made by Councilman Bustamante seeing no problems to approve the consent agenda and the motion was again seconded by Councilman Sloan. There was a question by Councilwoman Amparano concerning the approval of the lifeguards for the Little League. Are we approving the lifeguards as part of the town donation of the pool for the party and does this include the Softball party that was approved at the last meeting. Mayor Dietz stated that no there was not an approval of lifeguards at that meeting just the use of the pool. (there is some discussion by the council to personally fund the payments for the lifeguards) Councilman Bustamante would like to withdraw his motion and make a new motion to amend the item 7c to reflect that the town will monetarily provide the cost of lifeguards as part of the pool request. Mr. Cooper interjects here: There was a motion made and a second, there was a vote in favor, the motion cannot be withdrawn at this time. There is a vote on the floor, are the any votes against, hearing a no vote it goes to a roll call vote.

Councilman Sloan	YES	Councilman Bustamante	YES
Mayor Dietz	NO	Vice Mayor Anaya	YES
Councilwoman Amparano	NO	Councilwoman Medina	NO

The vote is tied 3-3 and Councilman Bustamante now amends his motion

Motion is to amend Item 7c to read "Approve Request by Mammoth Little League to conduct Pool Party and Town will cover the monetary costs of lifeguards. Then Approve the Consent Agenda as expressed in the Agenda.

Roll Call Vote			
Councilman Sloan	YES	Councilman Bustamante	YES
Mayor Dietz	YES	Vice Mayor Anaya	YES
Councilwoman Amparano	YES	Councilwoman Medina	YES

The vote is tied 6-0 Motion Passes

8. Old Business –

- a. Discussion and Possible Authorization of Don Jones to serve as Interim Public Works Director and Additional Compensation of two hours per day for extra duty services.

Councilwoman Medina- This is for the Public Works Director even as an Interim, Don Jones is the Town Manager and he can't hold another position this is for the council. The Mayor appoints someone from the Council to be the Commissioner for Public Works. If we don't have a public works director then we need to hire one, but not the town manager that is a conflict of interest.

Mr. Cooper-Historically the town of Mammoth has operated without a town manager. You were running what was called a commission form of government. Council members were given various duties to oversee different departments. You currently have a town manager who serves, by his duties he manages the town, hence Town Manager. You currently have a vacancy for Public Works Director, that position is filled basically by the Council. It is an at will position, basically they serve at the will of the Council. You are free to appoint someone to that position; you are also free to remove them. This agenda item is an Interim designation until such time as you decide whether or not you want to fill that position or basically you find that a Public Works Director is required. But, in the interim someone must make those decisions. In absence of appointing someone from council or from the staff to do this, technically the Town Manager is doing this and making those decisions because there is no supervising

person there. In your management structure the next person that would report above the Public Works Director is the Town Manager. This is Interim until such time as you make it permanent or do something else. The agenda item tonight is to compensate him two hours per day.

Don Jones- Or you can hire a director at \$45,000 like David Garcia.

Councilman Bustamante-This all comes back to what I have been saying for the past several years, the town is being strangled by the legislation, the budget gets cut, we lose money through the census because the population goes down. The county loses monies, the schools lose money, and boards like us are put into a predicament and the thing is that- you don't see on the ballot "Councilman/This/That, evidently somewhere in the last couple of years to serve as council and do another duty is inherently a conflict. This is codified law, it happens a lot in small towns where the mayor and others cover more than one duty. It's a law that inherently does conflict basic principles. We should just be in one position, but because of budgetary issues and constraints, small towns are being forced to do this double duties. It does bring into question the fact that you want to protect the good will of the general public; but we are caught between a rock and a hard place simply because we were being financially pushed into a corner. That's the way it has been for the last 10 or 12 years. The legislature has put us into this position. I appreciate everyone speaking out and giving their viewpoint but this is not an easy decision for us to make.

Councilwoman Amparano-Question, is there a statute stating that you must have fulltime personnel such as Town Manager, Town Clerk and Public Works Director to apply and receive grants?

Mr. Cooper- The short answer is NO. We do have a town code that requires we have certain town officers. Your options are you may appoint, you may table, or you may choose not to appoint him, but somebody has to fill that position. You may have to promote someone from the crew to do it but if you do that then that person's job will need to be filled by someone else.

Mayor Dietz-Let's put it to a vote and let's see.

Don Jones- May I speak? In the last 2 and a half years we have went from broke to around \$400,000 in the town coffers. This public works situation is just like it has been for the last 2 years, except I will be getting paid for 2 hours a day. Public Works, works hand in hand with all grants we receive. Last year when I did the grant for #2 tank I could not be reimbursed because I was not an employee. Now I am an employee, all those funds for my wages are paid back, that is a pretty unique situation. The amount of monies for administration this year will pay those wages for 6 months. I don't understand why people are so negative on a situation that for 2 and a half years has taken us from \$0.00 to \$400,00.00. I think we have done a heck of a job over the that time and now all the sudden it is, no Don Jones can not do it even our Councilwoman (Medina) doesn't want Don Jones in there as a public works. Hey, I am not married to this town folks, I can leave at any time and retire, I'm trying to help this town, but I'm not going to fight to try to help the town out.

Councilman Bustamante-I want it noted that Interim is like a six month period or has some type of timeframe.

Don Jones- May I add something here? I am working on a USDA loan right now. It is a loan grant for 3-5 Million Dollars. It's a lot of money and then the RO System to back it up, we have already paid for the plans, remember \$250,000 with our engineering firm for the plans. Once I can get that grant then I'm out of here, I project maybe less than a year or there about someplace. Heck, I'm 73 it is time to move on. I'm not in here for life. If you want me to help, I will help, but I'm getting really tired of the negative people calling my house at 9:00 at night and coming to my house wanting this and that, I really don't need it.

Mayor Dietz-Thank you Sir.

There is a small discussion between the council as to what an Interim time limit consist of...

Councilman Sloan-Don Jones has been working with public works for free saving the town several thousand dollars, I think paying 2 hours a day is a deal, I didn't see any other council members out there doing that.

Councilwoman Medina-No one calls us

Mayor Dietz-We need someone to make a motion

Motion by Councilman Sloan- To approve Don Jones as Interim Public Works Director and pay an addition 2 hours per day for additional duties

Second by Vice Mayor Anaya

Vote goes to a Roll Call Vote:

Councilman Sloan        YES  
Mayor Dietz                YES  
Councilwoman Amparano YES

Councilman Bustamante YES  
Vice Mayor Anaya        YES  
Councilwoman Medina    NO

Motion Passes-by a 5-1 vote

## 9. NEW BUSINESS

- a. Mayor and Council proclamation and Award to Albert Mendibles for this work and contributions to Town of Mammoth and Softball League.

Mayor Dietz presents the award and states-The town wanted to show its appreciation and thanks for all you have done with the Softball Field, the Concession Stand, and for the kids, Thank you!

Mr. Mendibles gave a small thank you indicating that it was not all him, that there was many people who worked together to accomplish all that was done and is still being done.

- b. Approval of Resolution No 2017-02 A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF MAMMOTH ON DESIGNATION OF COMMUNITY BLOCK DEVELOPMENT GRANT PROJECTS – Water System Repairs and Upgrades. Project Engineer to identify repairs, replacements, or upgrades to include, but not be limited to, residential meter equipment, control valves, main waterlines, back flow preventers, service lines from meters to water main, dead end lines, and fire hydrants.

Mr. Cooper-Mr. Mayor and Council Members, just to let you know what you are voting on tonight. This is Resolution 2017-02. At the last council meeting you had a public hearing, you took testimony and you basically had to take comments and make a motion on which project would be awarded with the funds. Your chose Water Repair, and you were told that a resolution would be coming to the next meeting to approve and submit it to the department that issues the CBDG Grants. Mr. Urban pointed out the in the event there is a change in plans or some other problem we can come back and amend it with one of the other choice available. This is basically just to get the resolution approved so we can make and submit the application.

Motion is to Approve Resolution No. 2017-02

Motion by: Councilman Sloan

Second by: Councilman Bustamante

Motion Passes with a 6-0 Vote

- c. Discussion and Authorization to use Police Department Basement for Town Library Expansion

There was some discussion from the town librarian Sharon Christiansen and Chief Villar concerning what may need to be done to accommodate the library and maintain the integrity of the evidence room and lockers that would share a common wall. We are looking at a feasible way to block out a small room for library use by creating new wall structures and hallways. This item is suggested to table until further information and study can be done.

Motion is to Table this Item for a future meeting

Motion by: Councilwoman Medina

Second by: Councilwoman Amparano

Motion is Tabled with a 6-0 Vote

- d. Discussion and Possible Action to appoint public member to Councilmember Vacancy on Town Council. Appoint person to fill unexpired term of vacancy in office of Council Member

Mr. Cooper-Mayor and Councilmembers, You had advertised for the vacancy on the council; it is my understanding that there were to applications submitted to the council. The possible action items are to appoint on of those individuals to the council, if you do that person will need to receive 4 votes which is the majority, we are missing one seat and a 3-3 vote does not pass any motion. What would happen is basically someone would nominate one of the individuals, there would be a motion and a second. Whichever candidate is nominated and receives the majority votes would automatically be appointed,

and the next item of business would be to administer the "Oath of Office" to the individual. Your options tonight are to appoint someone, table the item, or if you so desire, re-advertise the opening.

Nomination by Councilman Sloan is Mike Martinez

Motion is to appoint Mike Martinez to the vacant council seat

Motion by: Councilman Sloan

Second by: Councilwoman Amparano

Roll Call Vote

Councilman Sloan	YES	Councilman Bustamante	YES
Mayor Dietz	YES	Vice Mayor Anaya	YES
Councilwoman Amparano	YES	Councilwoman Medina	NO

Motion Passes Vote is 5-1 Mike Martinez is appointed a the New Councilman

Mr. Cooper administers the Oath of Office and Mike Martinez is sworn into office.  
Welcome Councilman Martinez

10. POSSIBLE EXECUTIVE SESSION- NONE

11. ADJOURN – 8/:25PM

Motion to Adjourn Meeting at 8:25PM

Motion: Councilman Sloan      Second: Vice Mayor Anaya

Motion Passes Vote 6-0

Meeting is Adjourned at 8:25PM

I certify that the preceding is a true and correct copy of the minutes of the Mammoth Town Council's Regular Meeting held on June 15, 2017. I further certify that the meeting was duly called and held.

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Town Manager Don Jones