



**TOWN OF MAMMOTH  
MINUTES OF A SPECIAL MEETING  
OF THE MAMMOTH TOWN COUNCIL  
HELD ON  
FEBRUARY 21, 2019**

These are the Minutes of a Special Meeting held by the Mammoth Town Council  
on FEBRUARY 21, 2019 pursuant to the notice required by Law.

1. **CALL TO ORDER** – This meeting was called to order at 7:00 PM by Mayor Dietz
2. **PLEDGE OF ALLEGIANCE** Councilwoman Medina
3. **ROLL CALL**

**PRESENT MEMBERS**

Councilwoman Martinez  
Councilwoman Medina  
Councilman Bustamante  
Mayor Dietz  
Vice Mayor Anaya  
Councilman Martinez

**PRESENT STAFF**

Attorney S Cooper  
Town Manager D Jones  
Town Recorder S Christiansen (Absent)  
Police Chief R. Lujan

**ABSENT MEMBERS**

Councilwoman Amparano

Councilwoman Amparano has a non-excused absence.

4. **CALL TO THE PUBLIC**

- a. **Annie Martinez**—Item E under New Business—Due to issues between Mammoth and San Manuel it is crucial that Little League be referred to as Mammoth Little League. If you could just make it clear during your vote on this item that we are discussing the Mammoth Little League and not just Little League. (The latter would allow San Manuel to come and take the field which will lead to problems for both affiliations.) Next is the Fiestas, I would like to quell some misstated rumors that are going around. The Town of Mammoth Fiesta Committee is not something that is independent of the Town of Mammoth. The Town of Mammoth Fiesta Committee was approved by this Council as was all the members elected to serve on this committee. We are a part of the Town of Mammoth just like any other committee that you enact on behalf of the Town, we are an extension of you, the Council. So, to have people running around town telling people that we as individuals owe the town money is not correct. We are not Gina's Fiesta Committee or Sharon's Fiesta Committee, we are the Town of Mammoth Fiesta Committee. We came to you with every step and every hardship to gain approval before taking action. We gave you the monies that we brought in, there were never any hidden agendas or practices. Everything was totally transparent and given to you. There has been talk that we as individuals owe the town this money. No, you as a council approved this committee and if you cannot stand behind this committee, then you must disband this committee. Because it is not fair to those who worked so hard to pull off that first event with all the challenges that were presented to us. There were many nights that our meetings did not get over until after 10 PM and we used our own vehicles, gas, and time, to go to Tucson and Phoenix to accomplish needed errands to complete the event. All this was done because we, as your elected committee wanted to help you, the Town of Mammoth, do something nice for the residents of this town. We have had many people wanting to know when we will be doing a second one, the first one went so well even though we were up against other parties that have already been established. Think what we can do with the next one. So, Please stand behind us and help us to squash these rumors or disband our committee. Thank you.
- b. **Bob Sloan**—Discussing the use of the Mammoth School Gym—possibility of turning it into a gym for residents, currently those using a gym are going to Oracle. They would rather pay the fee

Handicapped individuals with special accessibility needs may contact the ADA Coordinator for the Town of Mammoth at (520) 487-2331 (V/TDD)

here and save the gas. There would be a membership fee for those who use it, and it is possible that people may donate some weights and other gym equipment for use. I would like to see the town consider this option for our residents. Thank you. Currently the building is owned by the Mammoth San Manuel School District.

- c. **Terry Adams**—Several items tonight. If you have traveled to San Manuel or Tucson in the past couple weeks you may have noticed the large signs from ADOT advertising business in San Manuel. This is taking traffic 5 miles off the highway. We have these opportunities here as well and maybe the town should think about having signs advertising Mammoth where the highway runs right thru the middle of town and our businesses. This type of advertising could get more people traveling the Corridor to stop in our town for these services. Maybe someone could contact ADOT and check into this. Second, I would ask that you approve the lease for AT&T. There are a lot of people here who depend on that cell service. Three, again discussing the lights along Hwy 77 there are still many that do not work. I have been talking about this for almost a year. I do not go to the north end of town much, but I know about the south end and we really need to take care of this issue. Finally, Last year the town approved and said that we would not allow a pot facility here. I hope you will continue that affirmation, we don't need the increase in crime associated with it we don't need be known as the pot capital of Arizona.  
(CLOSE CALL TO THE PUBLIC)

## 5. APPROVAL OF MINUTES

- a. **Minutes of January 17, 2019 Regular**  
Motion to Accept Minutes with revisions to Council Comments of adding David Cook to Councilman Bustamante's comments on Legislator. And to add rebuttal comments made by Mayor Dietz and Vice Mayor Anaya concerning Council Comments as well.  
Motion by: Councilman Bustamante Second By: Councilwoman Martinez  
Item is Passed with revisions Vote 6-0

## 6. MAYOR AND COUNCIL COMMENTS

- a. **Councilwoman Martinez**-in our handbooks under 6.8 it is stated that we are to receive our Council Packets on the Friday prior to the Meetings. I would like to see us go back to this, for those of us who work it is hard to get the agenda only a day or two prior and be able to review it and then by able to call and ask questions about items when needed. If we could get them prior to the Weekend it would allow us time to review and then at the beginning of the week, we can call and have any questions answered prior to the meetings.  
(CLOSING COUNCIL COMMENTS)

7. **Update on the Fiesta Committee- Annie Martinez**-Concerning the last fiesta, we were up against other town events and ASARCO events, but all in all we did pretty well. Everyone who attended had great things to say. The total spent was \$1251.67-we made back in cash \$748.00 the night of the event. Altogether the fiesta committee was short \$503.00 in covering the cost. We did not break even, but for everything we were up against we did pretty well. This event we had to pay the cost of all alcohol, but for future events we now know that we need to separate the children's areas from the adult areas and then we will be able to receive donation assistance from Henley Distributing. We learned a lot from that first event. We are currently look at April for the new event and theme Founders Day, we also would like to move the venue to the Softball field. We also need to see about another Liquor License. We need to really get the fiesta its own 501 3c this will allow us to take advantage of more donations toward our fiestas. This will involve a little more financial work and some additional paper work. We would also like to ask if we may be able to use the Community Center for a fund raiser that will help us out with some start up cash.

## 8. CONSENT AGENDA

- a. **Staff Recommendations and Reports**
  - i. Town Clerk/Treasure Report
  - ii. Police Report
  - iii. Public Works Report
  - iv. Library Report

- v. Planning and Zoning Report
- vi. Town Managers Report
- b. Account Payable for Payment and Filing
- c. Approval of Fish Fry at Blessed Sacrament Church from 4PM-7PM on April 5<sup>th</sup> & 12<sup>th</sup>, 2019

Item 8ii (Police Report) be pulled and placed directly after the consent agenda motion.  
 Motion is to Accept Consent Agenda less item 8ii

Motion by: Councilman Martinez      Second by: Vice Mayor Anaya  
 Vote Roll Call      Councilwoman Martinez      YES  
                          Councilwoman Medina      YES      Councilman Bustamante      YES  
                          Mayor Dietz      YES      Vice Mayor Anaya      YES  
                          Councilman Martinez      YES  
 Motion is Passes Vote 6 -0

Item 8-2      Police Report – Chief Lujan – Gave statistical report first – Our police department will be one of the first police agencies in the area to us Narcon-training will begin in March or April. This is to assist in an overdose when the patient has become unconscious. Mammoth Fire is currently using this and now the police will be equipped in these emergencies as well. We have received the 6 Tasers from Eloy, Thanks to Councilman Martinez who assisted in helping a resident find assisted living facility. The police assisted on this as well. First responders receive a lot of these types of calls and we do what we can as an underlying assistant for the residents. Thank you.

Motion to Accept Police Report  
 Motion by: Councilwoman Martinez      Second by: Councilwoman Medina  
 Motion passes Vote 6-0

9. Presentation by Aly Buhler of Arizona Youth Partnership on Dangers of Substance Abuse-NO SHOW

10. Approval of Planning and Zoning Matters

- a. Oath of Office for Marti Buzan as Planning and Zoning Commissioner (Oath was administered by Attorney S. Cooper) Congratulations on your new position!
- b. Consideration and Possible Approval of Variance for Horses on North Main Street. (Harry Clark) This property was investigated and findings for a variance has been approved by P/Z. Maps show the location and area where horses are located. The variance is in front of you and will require your approval. Should there be any violation of this variance it shall be revoked and the horses shall be removed.  
 Motion is to Approve Variance for Harry Clark as written  
 Motion by: Councilwoman Martinez      Second by: Vice Mayor Anaya  
 Motion Passes Vote 6-0

11. OLD BUSINESS

- a. FIESTA COMMITTEE—Councilwomen Martinez and Medina will abstain from this vote as the also serve on the Fiesta Committee.
  - i. Consideration and Possible Approval of Creation of NON-PROFIT Corporation and seeking tax exempt status for Mammoth Fiesta Committee  
 We are asking again to be allowed to proceed with the 501 3c for the fiesta committee. Vendors who would have liked to donate last time could not based on the municipal (Town) standing. This would allow us to be our own non-profit as a subsidiary under the Town of Mammoth. This will mean a little more paperwork but it is minimal. You will be given an accounting of all income and expenditures. However this will allow us to gain more sponsorship. The question was raised that the fiesta committee would be covered

under the town's umbrella tax id which would allow us to not pay tax for the items purchased. However, as it was explained to us, most of the business who like Hensley (alcohol) they cannot sponsor a municipal event and under the town that is what we are part of the municipality. But, as a separate entity under the town we would qualify for the donations that they can then write off as a donation. The problem becomes the non-profit status and not the tax exempt status. A municipality is not considered to be non-profit.

**Motion to Accept Creation of NON-PROFIT for the Fiesta Committee**

**Motion By: Councilman Martinez Second by: Councilman Bustamante**

**Motion Passes Vote 4-0**

ii. **Consideration and Approval of Liquor Policies and Procedures.**

Our idea here is to partner with one of our local restaurants and allow the waiving of vendor fees for them as they would then be the ones to distribute the alcohol. We are looking at verifying ids and selling tickets which will be stamped or punch in a way to indicate that fiesta, which would then be taken to the booth where they would then exchange the ticket for the alcohol. At the end of the night the tickets would be added up and the adjustment made to the total stock. If there is a discrepancy it will be up to the vendor in charge of that station to correct the difference. This should insure both all ids have been checked and double checked as well as keeping the cash and issuance of alcohol separate. This will also free up fiesta staff for other areas as well as benefit that vendor who will be selling food to those getting the alcohol.

**Motion to Approve Liquor Policy and Procedures**

**Motion By: Councilman Martinez Second by: Councilman Bustamante**

**Motion Passes Vote 4-0**

iii. **Consideration and Approval of Fiesta date, location and security personnel**

When we came to you last month we gave you a suggested date but we have been informed that that date is Easter. So, we are now looking at May 4<sup>th</sup> for the Cinco de Mayo event. Still looking to use the softball field as that can be enclosed with a one way in and one way out. This would help with keeping outside alcohol away from our event. (There is some discussion on this date-possible to move this date further out.)

**Motion to Approve security personnel with a date and location to be determined.**

**Motion By: Councilman Martinez Second by: Councilman Bustamante**

**Motion Passes Vote 4-0**

iv. **Allocate operating budget of \$1500.00 for Fiesta expenses subject to reimbursement**

**after Fiesta.** We are looking at some fundraisers to help with costs but we still need the town backing to use for the startup funds that are needed prior to the event. We may not need this full amount but it is the amount we are looking at on the outside of our needs. There is a comment about trying to do more than one big fiesta per year and Ms. Martinez replied that yes we had figured that out and that we will be only planning one big one each year.

**Motion to Approved with the understanding that this will be the last time the town will be able to front this money.**

**Motion By: Vice Mayor Anaya Second by: Councilman Martinez**

**Motion Passes Vote 4-0**

**12. NEW BUSINESS**

a. **Appointment of Town Officers**

i. **Appointment of Mayor**

**Councilwoman Martinez nominates Councilwoman Medina**

**There is no second motion is terminated.**

**Councilman Martinez nominates Joe Dietz as Mayor Councilman Anaya seconds nomination.**

**Roll Call Vote:**

<b>Councilwoman Martinez</b>	<b>NO</b>	<b>Councilwoman Medina</b>	<b>NO</b>
<b>Councilman Bustamante</b>	<b>YES</b>	<b>Mayor Dietz</b>	<b>YES</b>
<b>Vice Mayor Anaya</b>	<b>YES</b>	<b>Councilman Martinez</b>	<b>YES</b>

**Mayor Dietz remains Mayor by a vote of 4-2**

- ii. **Appointment of Vice Mayor**  
 Councilman Martinez nominates Al Anaya for Vice Mayor Councilman Bustamante seconds nomination  
 Roll Call Vote: Councilwoman Martinez NO Councilwoman Medina NO  
 Councilman Bustamante YES Mayor Dietz YES  
 Vice Mayor Anaya YES Councilman Martinez YES  
 Vice Mayor remains Vice Mayor by a vote of 4-2

- iii. **Appointment of Council Commissioners for Town Departments, ( Administration, Police Department and Public Works) Mayor will Appoint Officers.**  
 Administration Commissioner will be Joe Dietz  
 Police Commissioner will be Ernest Bustamante  
 Public Works Commissioner will be Joe Dietz  
 The Mayor has directed staff to place on the next agenda the appointment of Commissioners for Planning and Zoning, Parks and Rec and all others requiring a commissioner.

- b. **Discussion of Possible Qualifications for Office and Direct Election of Town Magistrate by voters.**  
 Current Town Code Section 2.16.060 Magistrate is Appointed by Town Council who appoints for term of two years and sets salary.  
 Councilwoman Martinez asked why the Mayor Seat for direct election was not included as it was also placed on the Agenda request.  
 (There was a further discussion on the idea of direct election for Magistrate between the Council. It was determined that further investigation is warranted and drafts will be drawn to reflect the information discovered and then addressed at a future meeting)  
 Motion is to Table this item until March Meeting to allow for further investigation and information, and drafts can be made available by the attorney.  
 Motion by: Councilman Bustamante Second by: Councilwoman Martinez  
 Item is Tabled until further meeting Vote 6-0

- c. **Consideration and Possible Appointment of Arnold Estrada as Town Magistrate**  
 The Council asked Mr. Estrada if he would be willing to serve as our Town Magistrate and Judge Estrada acknowledged Agreement to serve.

- i. **Appointment of Two Year Term**  
 Motion to approve two year term  
 Motion by: Councilman Bustamante Second by: Vice Mayor Anaya  
 Motion Passes Vote 6-0
- ii. **Set Magistrate Compensation**  
 Currently set at Part time T-Th. From 9am to 1pm  
 Motion is to set compensation at Judge Estrada's Current Pay Amount (to be defined by the current amount paid)  
 Motion by: Vice Mayor Anaya Second by: Councilman Bustamante  
 Motion Passes Vote 6-0
- iii. **Administer Oath of Office for Judge Estrada administered by S. Cooper (Attorney)**

- d. **Approval of Exclusive use of Town Ball Fields**
  - i. **Mammoth Little League requests for use of Senior League and Little League fields for the season from March 15<sup>th</sup> through June 30<sup>th</sup>, 2019.**  
 (Councilwoman Martinez will be abstaining from this vote as she is part of the Mammoth Little League)  
 Motion to Grant Exclusive use of Senior and Little League fields to Mammoth Little League from March 15<sup>th</sup> through June 30<sup>th</sup>, 2019  
 Motion by Vice Mayor Anaya Second by: Councilman Martinez  
 Motion Passes Vote 5-0



**14. Adjourn**

Motion is to Adjourn this meeting at 9:05 pm

Motion By: Vice Mayor Anaya

Second By: Councilman Martinez

Meeting is Adjourned at 9:05 PM

**I certify that the preceding is a true and correct copy of the Town of Mammoth Council Meeting held February 12, 2019. I further certify that the meeting was duly called and held.**

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**Don Jones, Town Manager**