



**TOWN OF MAMMOTH
MINUTES OF A REGULAR MEETING
AND PUBLIC HEARING
OF THE MAMMOTH TOWN COUNCIL
HELD ON
NOVEMBER 21, 2019**

These are the Minutes of a Regular Meeting held by the Mammoth Town Council on November 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 Amparano
3. **ROLL CALL**

PRESENT MEMBERS

Councilman Rash
Councilwoman Martinez
Councilman Bustamante
Mayor Dietz
~~Vice Mayor Anaya~~
Councilwoman Amparano
Councilman Martinez

PRESENT STAFF

Attorney S Cooper
Town Manager D Jones
Town Recorder S Christiansen

ABSENT MEMBERS

Vice-Mayor Anaya

Motion to excuse Vice-Mayor Anaya from this meeting

Motion by: Councilwoman Martinez Second by Councilwoman Amparano

Motion Passed Vote 6-0

4. **CALL TO THE PUBLIC**

The Call to the Public tonight will be for comments that do not relate to the water or wastewater issues. Those will be addressed at the Public Hearing.

- a. **Frances Amparano**-On behalf of the Lions Club Please consider a donation from the Town of Mammoth in the amount of \$100.00 to support Christmas Event for the Children of Mammoth. Council discussion on when to have special meeting for this item and others. Direction is to have a special meeting in two weeks, prior to the regular December Meeting.
- b. **Annie Martinez-Lack of Action-Addressing the Mayor**-Requesting that open trenches be securely covered by Public Works to avoid any accidents to residents and children. Concerns of liability to the Town of Mammoth. Second concerns bomb threats at San Manuel School (4 in the past week) Stated several times that the closed school in Mammoth is going up for auction and someone official should go speak to them concerning our school and getting it back for our children at some point. It could also be used to house the Police Department which would help with vandalism at that location. The gym and other Multi-purpose Rooms could be made available for different town needs like a senior gym, or a community basketball for youths.
- c. **Ernest Bustamante**-Spoke to the point of the Legislature and out of control spending as caused small towns to receive smaller portions of state monies. This causes issues for those towns with shrinking populations and significantly smaller revenue hardships. Examples \$200,000 for a theatre and upwards of 2 million dollars for irrigation pumping. When monies are available it goes to who is voicing the loudest. Watch the new bills come through the legislature this is tax payer monies. Water is going to be a big issue. We as a town need to be cautious and find a way to settle our differences and help make this town a nice place to live. This is our challenge and I think we can do it.

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

- d. **Joe Brewer**-Understanding is that these new radio meters were put in to stop the loss of accountable water being pumped which would increase water revenues and allow this increase water rate issue to go away.
- e. **Terry Adams**-Lights on highway 77 again, you have the lights for months, time to get them fixed or do away with lights altogether. Need man lift, then get it.
Councilwoman Martinez added that Pinal County Public Works and Pete Rios could facilitate in this matter with a man lift from Pinal County. Similar Comments by Councilwoman Amparano and Councilman Martinez.
- f. **(CLOSE CALL TO THE PUBLIC)**

5. APPROVAL OF MINUTES

- a. **For October 16 2019 Special Meeting and October 17 2019 Regular Meeting**
Councilman Bustamante compliments the processed transcripts of the meetings.
Motion by: Councilwoman Amparano Second by: Councilman Martinez
Motion Passes Vote 6-0

6. MAYOR AND COUNCIL COMMENTS

- a. **Councilwoman Martinez**-Handouts to Council concerning December 16 2010 meeting with transcripts of the item Resolution 193 Policies and Procedures of Council. Basis of this is Agendas and who can place an agenda item for Meeting discussion, and how to place a meeting item when the Mayor does not place it on an agenda-as in the signatory presentation of (4) Councilmembers wishing to place the item or may call for a special meeting. Which was submitted on October 14th to have a special meeting to conduct regular business and the discussion of the Town Manager's employment. It was also given again on October 17th signed by four members. As a result of this item not making the agenda we are giving you another agenda item to discuss because we do not believe that the Mayor or Vice Mayor are doing their job. We want to select new persons for these positions.

Mayor Dietz asks the Attorney to express the laws to the council concerning the wording used and fines that may be assessed to Council members and the Town lawsuits when addressing personnel employment.

Mr. Cooper Offers that this would be better served in a memorandum to the Council as he is the attorney for the council. He also gave the Council publications from the League of Cities that address some of these concerns in a general manner. There are consequences to violations of open meeting laws and that is the reason for staying with discussions that are presented in the agenda only. If Council is not satisfied with the code that exists it needs to change the code and adopt the new version.

Discussion continues with basically this same information relayed as an ending result. The Town code is vague on this issue and should be amended and strengthened by rewriting the code concerning this area. This specific item deals with a personnel problem and there are evaluation procedures to address this matter.

Mayor directs attorney to produce a memorandum concerning all points discussed here and present it to the council at the next meeting.

- b. **Councilman Bustamante**- Discusses working thru deficits such as the HURF Fund and the \$76,000 over charge. We have good months and bad months which will affect the budgets and we must find a way to work thru these together. I would suggest that you place uncertainty with a discussion only agenda and get a feel for what the rest of the council feels on that subject and then proceed to an agenda item for a vote once ready. We have to be able to talk to each other if we are to make sound decisions as a group for this town.

7. PUBLIC HEARING FOR POSSIBLE WATER AND WASTEWATER INCREASE OPENED AT 7:43PM

- a. **Wendy Gort** presented a Summary presentation of the October 16th Power Point Presentation which was posted on the Town of Mammoth Website and this summary will be uploaded at the end of the Current Minutes.
- b. Continuing to Public Comments for this Public Hearing at 8:20PM
 - i. **Kim Lee**= 110 W. Jones (Cannot afford increase of more than 10-20 dollars have you looked into grants to adjust the issue rather than looking to us to fix the problem.

- ii. Jasmine Miller—111 S. Main (Have you thought of maybe opening Copper Creek Mine or Tiger Mine and charging a fee to tour the area. Or consider some other area that could be used as a tourist attraction type setting for a fee.
- iii. Debra Miller—111 S. Main (Using Carnivals for the fiesta and bring in outside vendors and people to increase town monies. Look into some of the other attractions that surround Mammoth and charge a fee or entry to look at history. Maybe talk to the Ford Dealership about donating a car for raffle.
- iv. Bob Sloan—504 Hetzel (I can pay my water bill and if it has to go up I will still pay it.
- v. Dennis Oswald—713 N. Tiger (is there an estimated time to resolve all these water issues and get our roads done.
- vi. Terry Adams—506 Highway 77 (Mammoth founded in 1876. Previous councils must have known that infrastructure was getting old. Lack of planning on your part does not mean emergency on our part. Problem in raising rates is knowing when to stop. HURF was misused and has to be paid back, your problem and you come to us to pay this back. All the towns you are comparing are by a company who is out to make a profit. Are we going for profit, look at our roads? You can't expect us to bail you out when you can't manage the monies we give you properly. You need to get a good reading of the new meters and then come back and talk about this.
- vii. Al Barcelo-106 E. 3rd St. (You have a track record of over spending, you need to cut cost and then come to the public.
- viii. Cliff Dethridge—708 S. Old Hwy 77 (When we first bought this water system we did it to keep cost down and be different than the other towns around us. Your talk about increase water sewer and everything. No what you need to do is start getting information about what we are doing. There had been plans to put sidewalk and curbing one block at a time not one town at a time. That kind of thinking is not here anymore. Now it is over budget all the time. It's like a home if you keep spending all the money, pretty soon you're going to go bankrupt. That is what is happening in our town.
- ix. Luis Lopez—101 E. 4th St, (I Want to point out on the revenue and expenses, why since 2015 does he expense and loss continue to double. Why are you losing and why are we spending more, we need to know this. We know it cost more all the time but why, at the rate were going we would have to raise the water again in two more years. What if that does not work we just raise something else. We need to find the root of the problem before you make your decision. Are all these repairs one time and if so do we really need this raise.
- x. Patsy Armenta—747 N. Old Hwy 77 (Maybe you need to look at what people are being paid and maybe cut some pay. Think about it.
- xi. Dora Mendoza—105 Hayden Ave. (Living on a fixed income and cannot afford a 200+ increase in my billing. I would have to have my water shut off.
- xii. Frances Sanchez—102 S. Verdugo (I have the same concerns but also since they have been replacing the lines I have lost water pressure.
- xiii. Kim Lee— (we get water every week from the water station, do you make a profit on that? (That is a leased operation to a private person)
- xiv. Terry Adams— (It was mentioned that there is help available to pay your bills thru the government and other resources. As a senior this is a hard thing to ask for. To say I can't pay my bills is degrading. They may pay for one month but what about the next month.
- xv. Joe Brewer—(Is the increase for water going to stay in the water and the sewer increase stay in the sewer or is it going to go to administration raises?
- xvi. V Lopez 101 E. 4th St. (I lived in San Manuel and pay the same in water as here not much difference.

THIS WILL CLOSE THE PUBLIC HEARING AT 9pm AND REOPEN THE REGULAR MEETING AT THIS TIME.

8. CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION 2019-06 AND 2019-07 AN INCREASE TO THE WATER AND WASTEWATER RATES, CHARGES AND FEES, EFFECTIVE JANUARY 1 2020.

There was a discussion by Councilwoman Martinez, Includes responses by Councilman Bustamante, Wendy Gort, the Town Manager and the Mayor.

Motion is to Table Both Items 2019-06 and 2019-07 for 90 days to get a compilation of billing information from the new radio meters and have the Cassel Billing Checked for accuracy.

Motion by: Councilwoman Martinez Second by: Councilman Martinez

Councilman Bustamante asked about needing to renew the public hearing if tabled for 90 days. Yes, after 90 days we would begin a new public hearing, and reports and postings in December, also you must direct staff as to what new rates would be consider so that we have a clear path to continue that is in line with what you as a council would approve.

Motion to Table as previously stated on Resolution 2019-07 Water

Motion by: Councilwoman Martinez Second by: Councilman Martinez

Vote Roll Call	Councilman Rash	YES	Councilwoman Amparano	YES
	Councilwoman Martinez	YES	Councilman Martinez	YES
	Councilman Bustamante	YES	Mayor Dietz	YES

Motion Tabled Vote 6-0

Motion to Table as previously stated on Resolution 2019-06 Sewer

Motion by Councilwoman Martinez Second by: Councilwoman Amparano

Vote Roll Call	Councilman Rash	YES	Councilwoman Amparano	YES
	Councilwoman Martinez	YES	Councilman Martinez	YES
	Councilman Bustamante	YES	Mayor Dietz	YES

Motion Tabled Vote 6-0

9. CONSENT AGENDA

a. Staff Recommendations and Reports

- i. Town Clerk/Treasure Report**
- ii. Public Works Report**
- iii. Library Report**
- iv. Planning and Zoning Report**
- v. Town Managers Report**

b. Staff Reports

- i. Police Report**
- ii. Treasure/Town Clerk Report**

c. Account Payable for Payment and Filing

Motion for Staff Reports to include also the Planning and Zoning Report and recognition of volunteers to be presented orally after the Consent Agenda has been voted.

Motion by: Councilwoman Martinez Second by: Councilman Bustamante

Motion is to Accept Consent Agenda and Accounts Payable for Payment and Filing, excluding Police Report and Treasure/Town Clerk Report, Planning and Zoning Report and Recognition.

Motion to Accept Consent Agenda

Vote Roll Call	Councilman Rash	YES	Councilwoman Amparano	YES
	Councilwoman Martinez	YES	Councilman Martinez	YES
	Councilman Bustamante	YES	Mayor Dietz	YES

Motion Passed Vote 6-0

Planning and Zoning Report (Sharon Christiansen) We only have two people on Planning and Zoning which is not a quorum and we have not had a meeting in 3 months. We are in need of volunteer participation of one meeting per month and about 5 hours per month of volunteer work. We have had a request for help on the website for several months and once people find out that there is work to be done for volunteer or the first time a resident yells at them for taking pictures they quit. I will take any help I can get. Right now I am working only on complaints brought to me and am not out there looking for violations like we should.

Motion to Accept Planning and Zoning Report

Motion by: Councilwoman Martinez Second by: Councilman Martinez
Motion Passed 6-0

Police Report-Chief Lujan-gave statistical report for October 2019—Chief stated that he gave to council a packet of General Orders for Tsars and Rules of Conduct, which has not been given an approval or denial and would like to get a determination on these orders. Also received from Marana PD, 2 boxes of new uniforms. These were donated as you know the town usually pays for our uniforms. I am requesting that our residents call the front office when they are open and use the non-emergency number of 487-2348 or 487-2347 for after hours to complain about water shut off and do not use the 911 feature for these types of calls, it ties up the lines for true emergencies. There has also been a complaint about the way those who answer the phones may be rude, this goes both ways and we are requesting that all parties show compassion and respect when calling in or answering any complaint. Chief Villar in Hayden has offered a Tahoe which was donated by Oro Valley that they cannot use to be donated by an intergovernmental agreement to us. This will come to the next meeting.

Motion to Accept Police Report

Motion by: Councilwoman Amparano Second by: Councilwoman Martinez
Motion Passed Vote 6-0

Show of Recognition by the Town of Mammoth—Recognition of Community Service performed by The Living Word Chapel Youth Group and Community Members Ricardo Romo, Rudy Burrola Jr. and Christine Kent. To these who have volunteered their time to do cleanup of the Miners Memorial area. Thank you for your time and energy in helping our community.

Treasure Report- presented by the Interim Town Clerk Don Jones. –

Beginning Balance of \$938,487.86 Revenues of \$217,717.38 Expenses of \$261,762.99
Ending Balance of \$894,442.25 Which is a Negative Month decrease of \$44,045.61

Motion to Accept Treasurers Report

Motion by: Councilwoman Martinez Second by: Councilwoman Amparano
Motion Passed Vote 6-0

10. OLD BUSINESS

Presentation of Safe Harbor Agreement (In conjunction with Item A)

- a. **Discussion of Sand and Gravel Pit Park and Pond. Fish and Game Project and possible consideration for budgetary expense. Discussion only and presentation by Ernest Bustamante**-This is a project we have been working on for a while. No monies have been spent in this beginning process. The brochure which is shown at the end of these minutes, discusses two types of minnows that are near extinction and the idea is to introduce fish by the game department that may help to replenish these fish. We will need to do a lot of cleaning and landscaping prior to any starting phase of this project. However, we want to keep the public advised on the progression and keep the talks up as to how to complete this project. We will bring more information as it becomes available to us. But we would like to explore all avenues that may assist us. We have a good working relationship with fish and game at this time. We hope to provide more information in the form of a study session at a later date. We want to partner with as many agencies as possible.
- b. **Discussion of Fair Cost Sharing Agreements for Intergovernmental Agreements and Community Partners. Discussion Only. This includes discussion on the Dispatch Agreement and/or arrangements with the Fire District.** This needs to be reviewed and discussed, the town requires some help by way of cost sharing from all of its Community Partners. Only through discussion are we going to solve our financial issues. Councilwoman Martinez discussed the fact that we have a Volunteer Fire Department and although they do have a budget it is mostly from fundraising events. If they are willing to increase payment and put in a little more, then great. However, we should not mandate that they share more of the cost. It would cost more to the town if we had to contract to an outside fire department for services that we are required by ARS to have. Also she agrees that discussions are the only way to accomplish the needs of the town

concerning these matters and others. If we were to lose our volunteer fire department, the costs of services and salaries to us would be much more than the \$500 that the volunteer department are paying now. Councilman Bustamante stated that he understand this but, we are at a place where we as a town need a little more help and the only way to get this is through discussion of these matters. Mr. Cooper suggests that the council put together a 3 man committee to discuss these matters and look into the course of action to take. Fire District is on the same fiscal year cycle as the town and a mediated discussion between them will allow for budgeting the expenses for the coming fiscal year beginning July 1 2020. Also looking into the percentage of calls for fire vs town, which is approximately one third of the calls being fire. The fire districts revenues are basically figured by the property tax evaluations. Only Mammoth and Kearney are still using the old bandwidth and it needs to be discussed as to when we too may abandon that bandwidth as well. (Small Comments concerning this matter) Councilman Bustamante concluded with, this is why we placed this for discussion only so that we could get a feel for what the entire council is thinking on these matters.

- c. **Discussion of Possible Repeal of Food Tax-Bustamante**—Councilwoman Martinez would like it repealed due to the fact that it was only supposed to be for one year and yet it has lasted for much longer. I think this needs to be brought to a future agenda and be repealed. Councilman Bustamante stated that this option may act as an off set for other increases such as the water that has been discussed. Either way this item needs to be opened for a good discussion and possible action taken. (Some Council discussion on the number of people who do not shop in the Mammoth area and the revenues lost due to the taxation of food items)
- d. **Discussion of Possible Reconsideration to Waiver Charges for electricity at Town Ball Fields--Bustamante**
This item was withdrawn with No Action Taken by Councilman Bustamante

11. NEW BUSINESS

- a. **Consideration and Possible Approval of payment of Police Officers and lead dispatcher bonuses based on time employed by Town. Proposal is a bonus of \$1000.00 and \$2000.00 based on hours worked and length of continuous performance as a police officer and lead dispatcher employment with the Town of Mammoth**

Motion is to Accept a one-time Issuance of \$2000.00 Bonuses for Chief Lujan, Officers Green, Shelton, and Chase as well as Lead Dispatcher Lopez through use of the One-time Payment from the ATT Lease Option Amount to provide these bonuses.

Motion by: Councilwoman Martinez

Second by: Councilman Martinez

Motion Passed Vote 6-0

- b. **Discussion on Possible Audit of Town Finances—Cost of Audit may exceed \$15,000 in addition to the Annual Audit of Fiscal Year 2019-2020.**
Councilwoman Martinez would like this independent audit of all accounts due to the facts that there is a disagreement between her and the financial budget staff and auditors concerning (ASRS) police retirement funds and payments. The need to preform due diligence on behalf of those who elected this council, and the financial deficit which it faces, is the need for this action. Feels that the auditor that were brought in by the previous Mayor, have been doing it for too long and are no longer independent.
Motion is to Contract an Independent Audit Service Recommended by Arizona League of Cities or the Arizona Governor's Office, to preform Year to Date audit on the Town Finances.
Motion by: Councilwoman Martinez **Second by: Councilwoman Amparano**
Mayor Dietz questioned Mr. Cooper as to whether this would be in addition to Annual Audit. Mr. Cooper discussed the issues and stated that this type of audit may be in addition to the Annual Audit and not in place of. So you would be paying for two (2) audits. I would suggest that the Council might prepare the exact terms of the audit and the areas in question such as the Police Retirement or auditing of specific departments, interview auditors, get quotes and negotiate for services and use this structure for the Annual Audit to get your answers. Also suggested that this

type of audit may not cover the Police Retirement issues. However, if the Council decides that this would be in addition to the Annual Audit, the Town will be paying for two audits. Mayor Dietz asked if Councilwoman Martinez wished to amend her motion, she stated that the motion would stand. She does not want to wait until the fiscal year ends especially since we are looking at raising water rates 289%.

Motion stands

Motion Passed 6-0

- c. **Consideration and Possible Approval of Plaque from Town to Apache Gold Casino for award of Gaming Funds for Emergency Services.**

Motion is to Approve plaques for Apache Gold Casino and Bella Lopez who did the work to get the grant award of \$7020.00

Motion by: Councilwoman Martinez Second by: Councilwoman Amparano

Motion Passed Vote 6-0

- d. **Consideration and Possible Approval of Resolution No 2019-08 Abandoning Public Right of Way on Certain Areas of Dungan Street in the Town Limits.**

Motion is to Approve Resolution 2019-08 Abandoning Public Right of Way on Certain Areas of Dungan Street in the Town Limits.

Motion by: Councilwoman Martinez Second by: Councilman Rash

Motion Passed Vote 6-0

- e. **Discussion an Possible Authorization of Intergovernmental Agreement and/or Acquiring or Leasing of Elementary School Building providing Security and Possible relocation of Police Department to the Elementary School.**

Motion is to direct staff and/or committee to create a PowerPoint presentation and begin talks with District Officers concerning an intergovernmental agreement about the use of or the possession of the Mammoth Elementary School.

Corrected Motion is to Create a Committee to Assist in Talks with District concerning the outcome of the property that currently houses the Mammoth Elementary School

Motion by: Councilwoman Martinez Second by: Councilman Martinez

Motion Passed Vote 6-0

Committee will consist of Council Members, A. Martinez, E. Bustamante, and M. Martinez with F. Amparano as the Alternate.

12. Possible Executive Session – NONE

13. Adjourn

Motion is to Adjourn meeting at 11.00PM

Motion by: Councilwoman Amparano Second by: Councilman Rash

Motion Passed Vote 6-0

I certify that the preceding is a true and correct copy of the Town of Mammoth Council Meeting held November 21, 2019. I further certify that the meeting was duly called and held.

Don Jones, Town Manager