



TOWN OF MAMMOTH  
MINUTES OF A REGULAR/SPECIAL MEETING  
OF THE MAMMOTH TOWN COUNCIL  
HELD ON  
MAY 21 2020

These are the Minutes of a Special Meeting held by the Mammoth Town Council  
On May 21, 2020 pursuant to the notice required by Law.

**\*\*This is a "by phone" conference call meeting\*\***

Due to the COVID-19 Virus and our efforts to slow the spread we have chosen to use a technological virtual meeting room to keep all members and attendees safe in this time of crisis.

- 1. CALL TO ORDER – This meeting was called to order at 7:05 PM Mayor Dietz
- 2. PLEDGE OF ALLEGIANCE Councilwoman Martinez
- 3. ROLL CALL

**PRESENT MEMBERS**  
 Councilwoman Martinez  
 Councilman Bustamante  
 Mayor Dietz  
 Vice Mayor Anaya  
 Councilwoman Amparano  
 Councilman Martinez

**PRESENT STAFF**  
 Attorney S Cooper  
 Town Manager D Jones (Called Away Water Issue)  
 Town Recorder S Christiansen

**ABSENT MEMBERS**  
 (1) One Vacant Seat  
 (2) Councilman Martinez

Council Members, Staff, and the General Public were given notice that the meeting would be by phone and the public was encouraged to call in and listen to the meeting as there would be "NO CALL to the PUBLIC"

Call in at: 1866-899-4679      Access Code: 330974269#

- 4. CALL TO THE PUBLIC- CANCELLED DURING THE COVID 19 PANDEMIC

- 5. APPROVAL OF MEETING MINUTES

- a. Special Meeting 04-23-2020  
 Motion to Accept Minutes as Written  
 Motion by: Councilwoman Amparano  
 Motion Passed Vote 5-0

Second by: Vice Mayor Anaya

- 6. MAYOR AND COUNCIL COMMENTS

- a. Councilwoman Martinez-We need to work with Planning and Zoning to get something done about the stray dogs in the area. I have received several phone calls from people, who walking on the public sidewalks have been approached and hindered by these strays. Officers are telling people to walk somewhere else it costs too much for us to take the dogs, feed them and get Animal Control to pick them up. Maybe we need to look at strengthening our Leash Law, and maybe make them do one month of pet owner education, next a \$500 fine, then \$1000 fine and after that they lose their right to own animals in the Town of Mammoth. A lot of these are repeat offenders with their animals and Chief Lujan states that these are the same people who let their dogs roam free time after time. It is unfair to tell citizens that they cannot use facilities that are put in place for persons to use, because we do not have the capacity to handle the dog issue. We really need to

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

work with Planning and Zoning to get this done. Second, is that over the past several months we have been calling Pinal Rural rather than the Mammoth Volunteer Fire Department. If we are calling in Pinal Rural we are doing our citizens a disservice because then Pinal Rural is handing them a bill for services. We need to always be using our fire department first and then if we do not get a response call then we look at calling someone else. However we should always contact Mammoth Fire first, that is what they are here for is to take care of our town.

- b. **Mayor Dietz**-I attended a Fire Department Meeting and Fire Chief Ponce gave me a message which I will pass on to Chief Lujan discussing the calling of Mammoth Fire first before we use outside help.
- c. **Vice Mayor Anaya**-This morning about 3AM they called Pinal Rural and they did not answer so Mammoth had to go to their call. I think there have been a few calls to Pinal Rural that they did not answer and we had to take over for them. So I agree with Councilwoman Martinez that our Fire Department should be called first. As a board member of the Fire Department myself, we have an agreement with San Manuel. If for some reason Mammoth cannot take the call, we call them. If not them then Oracle or Dudleyville. We just need to make sure we are in charge here in Mammoth.
- d. **Councilman Bustamante**-Just a comment on how we are to come out of this situation concerning the public safety. They are a stand-alone entity, and they must make sure that they answer the call and that they are ready. This policy needs to be clarified and not let this petty rivalry, I don't know what it is. But these are separate entities and the lines are being bleared. Whomever is called needs to show up and take care of the situation. No matter which is considered first or is needed as back up, they all need to work together for the good of everyone. We cannot go on like this.
- e. **Councilwoman Amparano**-Also discussed the use of Mammoth Fire first and then San Manuel who has more EMT's.
- f. **Vice Mayor Anaya**-Added that we have control of our town and if Pinal Rural is called the Town is being charged. We need to use them only when an extreme situation comes up. We have a fire department and they need to be called first. This agreement with Mammoth, San Manuel and Oracle has been in place for a long time. It is a policy we have and we would like it to stay that way.
- g. **Mayor Dietz**- I would like to have this put on the next agenda for discussion.

**7. Report by Councilman Bustamante on the Sand Gravel Park clean-up efforts.**

- a. I submitted a written report on the clean-up efforts, we have put some markers in to estimate elevations. There is still some scrap metal that we may not be able to remove on our own, but we are still making progress. We are keeping track of the work performed at this time, and intend to contact the Heritage Fund as we look further down the road as to what our next steps should be. We will also need to consider the budget and seek grants to work with our own budgets. We will proceed as best we can and provide updates as the work continues.

**8. CONSENT AGENDA**

- A. Staff Recommendations and Reports**
  - a. **Town Clerk/Treasure Report (See Report Attached)**
  - b. **Public Works Report**
  - c. **Library Report**
  - d. **Planning and Zoning Report**
- B. Staff Reports**
  - a. **Police Report (Pulled for Oral Presentation)**
  - b. **Town Manager Report**
- C. Approve Accounts Payable for Payment and Filing**

Motion is to approve Consent Agenda for May 21, 2020

Motion by Councilwoman Martinez	Second by Councilwoman Amparano		
Councilwoman Martinez	Yes	Councilman Bustamante	Yes
Councilwoman Amparano	Yes	Vice Mayor Anaya	Yes
Mayor Dietz	Yes		
Motion Passed Vote 5-0			

**Police Report (Oral by Chief Lujan)** gave a statistical report of Year to Date Stats for the Police Department. Also, noted was that The Chief was able to acquire a 2 ton Utility Truck with a man basket from DMO. He was also awarded \$6800 from the 100 Club which allowed them to purchase 5 new tsars with cartridges and batteries. This came to almost \$6900 of which the 100 Club is reimbursing the town the \$6800.

**Motion is to approve Police Report for May 21, 2020**

**Motion by Councilwoman Martinez** Second by **Councilwoman Amparano**

**Councilman Bustamante** requested that Chief Lujan address the Questions concerning the Stray Dog Issue and the Mammoth Fire Calling Issue.

**Chief Lujan Response:** In response to the Mammoth Fire Calls, we are calling Mammoth Fire First. It is both recorded and in the logs that on May 21 we had a bad gas leak in a 3" pipe and SW Gas was requesting that we evacuate residents. We called Mammoth Fire several times, Called Chief Ponce several times and paged several times with no response. Due to the extreme emergency my dispatchers called Pinal Rural. We are talking about when seconds count against a possible explosion. After making the call to Pinal rural we also called San Manuel Fire, but were seconds' count San Manuel is at least 25 minutes to respond due to distance, a lot can happen in 25 minutes. It took Mammoth Fire 48 minutes to respond and they showed up with only 1 man and a utility truck, (Not the Firetruck). They also forced Pinal Rural to leave, which was questioned by SW Gas concerning safety issues as there was now no Fire Truck and 1 man could not maneuver the truck and control the fire hose alone even if he had brought the Fire Truck should an explosion have taken place. On April 21<sup>st</sup> we had another call with a woman who was on dialysis, had a defibrillator and had fallen and was unconscious, thought to be not breathing. Again we called Mammoth Fire several times and Chief Ponce personal number several times and paged several times. Again seconds count and we thought she was not breathing and I know they have Paramedics and they are only a few blocks away. We also called San Manuel after that. It took Mammoth 38 minutes to respond to that call. Fire Chief Ponce was upset that we called Pinal. It is not that we do not call San Manuel because we do, but when seconds count we went with what was closest. The way I looked at it is, if this was your home wouldn't you want someone there as soon as possible. I am assigned to protect public safety. So as head of public safety, I made the decision to contact Pinal Rural. My dispatchers wanted to know what the rule was. I stated the first you call Mammoth Fire, if you do not get a response after 2 or 3 times and it is an extreme emergency, you call Rural Metro then San Manuel, then Oracle and so on according to IGA's. When it comes to life threatening emergencies, as Chief of Police, we need someone there within seconds. I took an oath to provide the best service I can for the People of Mammoth. We always call Mammoth first and then proceed through the list. However, depending on the situation, Rural Metro is only blocks away. Of course if it is just an ambulance call we would call San Manuel first. As far as the dogs, we usually go and address the problem with a warning, if it happens again, it has a substantial fine of \$500 and we have cited people. It costs the town \$300 every time Animal Control has to get an animal from Mammoth. So we try everything to get the owner to comply first. Then we cite them and then for safety reasons we will contact Animal Control and have them removed.

**Mayor Dietz-**I would like it placed for the next agenda to have the \$300 charged to the owner by the town if it comes to that. That should help stop it pretty fast.

**Councilwoman Martinez-** Chief Lujan, is Fire Chief Ponce's number the only one you have from Mammoth Fire or do you have others?

**Chief Lujan-** I am glad you brought that up, we call Fire Chief Ponce because his number is the one we have and he is the only one to show up. But, when we page it is supposed to go out to all firefighters of Mammoth. Again only Fire Chief Ponce has been responding. (Chief Lujan again stated that one man cannot work the firetruck and the fire hose at the same time and if this was your house or your neighbor's house burning, 40 minutes is too long to respond, the first house is already gone and others are already on fire. That leaves the town with the liability. When a person asks who did you call? We say San Manuel and they ask why you called San Manuel when there is a fire department only blocks away.

**Mayor Dietz-**Requested that a secondary number be assigned for Mammoth Fire as a way to gain response time. I would like to ask Vice Mayor Anaya if he could take care of that.

**Councilwoman Amparano-** I think we should have at least 3 numbers to call before looking to outside of Mammoth contacts.

**Chief Lujan-** My hats off to Fire Chief Ponce he is short on crew and is usually the only one to show up, it must be hard for one man to cover a fire department.

**Councilwoman Amparano-** How many firefighters do we have? That is something we need to know.

**Vice Mayor Anaya-**Yes I will get you that information. I think it was yesterday that Pinal Rural was called at 3AM and did not answer the call and Mammoth Fire had to take the call. So it is not just one man like Chief Lujan said.

By the next meeting I will have a lot of information for you. I have a list of calls that Pinal Rural missed and Mammoth picked up so, maybe we missed a few calls, it's not only Mammoth that missed a call.  
**Chief Lujan**-If Pinal Rural missed some calls that is on them, If Mammoth misses a call that is on us, and that is what we should be concerned with. We need the Mammoth Fire and they are the first ones called. But my oath was to protect and that is what I have done with the decisions I made.

**Councilwoman Martinez** requested the floor for a question but it was noted by the Attorney that this not open for discussion and should be set for discussion on the next Agenda.

**Town Recorder**-We have a motion on the Floor.

**Motion is to approve Police Report for May 21, 2020**

<b>Motion by Councilwoman Martinez</b>	<b>Second by Councilwoman Amparano</b>		
<b>Councilwoman Martinez</b>	<b>Yes</b>	<b>Councilman Bustamante</b>	<b>Yes</b>
<b>Councilwoman Amparano</b>	<b>Yes</b>	<b>Vice Mayor Anaya</b>	<b>Yes</b>
<b>Mayor Dietz</b>	<b>Yes</b>		
<b>Motion Passed Vote 5-0</b>			

**9. OLD BUSINESS**

**A. Consideration and Possible Approval of Fiber Optic Franchise Agreement with Zayo Communications**

- a. **Mr. Cooper**-Several months ago we had this on the Agenda, Zayo is a Fiber Optic Cable Provider, they do not provide the service. They provide the ground work for other companies to use who then provide the individual services. Zayo has been granted the contract to provide fiber optic cable to all Pinal County Schools. So they have been given the task of gain right of way in the various municipalities to provide this system to all Pinal County Schools. We had originally brought forward a contract for a like-kind exchange where they would be granted the right of way in exchange for the fiber optic service to be brought to the Town Hall, Police Department and the like. However, Zayo does not provide the actual service. They have made the following offer. They will pay the town of Mammoth \$2500 per year for the right of way to lay the Fiber Optic Cable and \$0.89 per foot for the cable that is actually laid down in our right of way. This agreement would be for a period of 10 years. Any work done must be repaired to its original state when completed or we will charge them for any repair that the town may do as a result of their neglect to repair. They will comply with all State, County, and Local Requirements. It also allows for 1(one) 10 year extension. We reserve the right to visit the in-kind exchange at some point if it were to be in the best interest of the Town of Mammoth. I am urging the Council to approve this item. This is the same Agreement that has been approved by Eloy Superior and Hayden, also Kearney is expected to accept it at their meeting on June 3, 2020.

**Motion is to Accept the agreement as written with Zayo Fiber Optics**

**Motion by Councilwoman Amparano**

After some Council Discussion Councilwoman Amparano withdrew her motion.

**Motion is to Table this item for a Future Agenda when a Representative from Zayo can come to answer questions the Council has.**

<b>Motion by: Councilwoman Martinez</b>	<b>Second by: Vice Mayor Anaya</b>		
<b>Councilwoman Martinez</b>	<b>Yes</b>	<b>Councilman Bustamante</b>	<b>Yes</b>
<b>Councilwoman Amparano</b>	<b>Yes</b>	<b>Vice Mayor Anaya</b>	<b>Yes</b>
<b>Mayor Dietz</b>	<b>Yes</b>		

**Item is Tabled Vote 5-0**

**Mayor Dietz** has Requested that **Wendy Gort** give an Update Concerning the Mammoth Swimming Pool re-opening of May 18, 2020 which was not present on the Agenda. This is of major concern to the residents of Mammoth and he felt that everyone should be updated at this time.

**Wendy Gort**-Governor Ducey allowed pools in the state to reopen as of May 13, 2020. The Mammoth Pool was opened on May 18<sup>th</sup>, 2020 to the public at reduced occupancy and reduced hours. We are following all CDC, State Health and Executive Orders from the Governor. There are strict guidelines for the sanitation, care and safety of the facility and its patrons. All of which we will be following. We have separate lifeguards who we are calling the

Covid19 Life Guards who are to watch congregating and social distancing so that the other lifeguards can keep their attention on the pool. They make sure the bathrooms and cleaning are done at least once every hour and documented. They keep children from congregating in the restrooms. No gathering of more than 10 persons on the deck or in lines at the snack bar. So we have all that in place to provide a safe atmosphere for those wanting to get out of the heat. We have been open for 4 days and we already have \$500 in revenues. We have also received \$3500 from Saddlebrook Outreach Program. This was to help with swim lessons. We are still in Phase One of the reopening. We will open for swim lessons on June 9<sup>th</sup>. So please we would like to welcome all swimmers willing to go by the new rules and restrictions. If you do not feel that the pool is a safe place for your family we totally understand.

**Councilwoman Martinez-How often are we cleaning the bathrooms—**Answer-they are cleaned at a minimum of once every hour. We keep a log of when they are cleaned and by whom. We are using all the approved chemicals to clean the bathrooms. Again our main concern is congregating and we are encouraging our patrons to change as well as shower if possible in their own homes prior to coming and also when leaving. Again in the attempt to minimize contact situations. **How many hand sanitizers do you have?—**Answer-We have 2 sinks in each bathroom and each sink has its own soap dispenser. **So you do not have hand sanitizer anywhere in the pool areas?—**Answer-No I do not. **I am talking about the pavilion area where the tables are, you do not have any sanitizer in that area?—**Answer-No I do not. **What are the reduced occupancy numbers you are allowing in the pool?—**Answer-We have a maximum number of 40 which includes lifeguards, pool staff, patrons on deck and in the pool. **For those waiting in line to come in are there guides to show every 6 feet or do they wait in their cars, what are we doing for this?—**Answer-We have not run into that situation yet, we have not reached the 40 maximum at any time so far. However, should we be coming close to the max number we would have someone outside to control social distancing. **I have one more question, what are you doing with the swim team, are you hosting tournaments?—**Answer-No, we cannot do that, as you know you cannot have gatherings of more than 50 persons. Also there are no Pool Parties at this time for the same reasons. We will open for parties once the standing order is lifted and the social crowd size of 50 has been opened up to larger gatherings. That should occur around Stage Three.

Member of the Council thanked Wendy Gort for all her work with the Pool.

#### 10. NEW BUSINESS

- A. **Consideration and Possible Suspension, Termination or Modification of Emergency 2020-01 Order of Temporary Closure of Town Hall, Town Buildings, Police Department, Senior Center and other Public Facilities during The Corona Virus Epidemic Pandemic. (it was noted as a point of order by Councilman Bustamante that the usage of the wording Epidemic should be phrased as Pandemic)**
- a. **There is much discussion on this issue: Some of the Council would like to open the Town Hall up to 1 person in the lobby at a time and also brought up was the issue of some residents not wanting to use a debit card because of the \$1.50 charge and maybe that could be waived at this time. Others wish for the doors to remain closed to the public until further notice. The guidelines state that this is a 3 phase process in reopening and we are still in phase one and not expected to reach phase two until mid-June or later. Some comments were made concerning signage being posted at the public parks and walkways.**

**Motion is to Continue Closure as previously ordered in Emergency Order 2020-01 with the exception of limiting Town Hall to One (1) person in the lobby at a time. Also that we post signage and commit to disinfecting our public parks and recreation areas daily.**

**Motion by Councilwoman Martinez      Second by Vice Mayor Anaya**

Don Jones is recognized by Mayor Dietz for comments: the \$1.50 charge is required by the banks and we cannot change that. You can write a check or deposit cash in the drop box. We do not need to bring anyone into the Town Hall at this time. I would not want to reopen the doors at this time. Councilwoman Martinez asked what is the difference in just opening the doors for one person at a time, and them doing their job as opposed to them opening that window and dealing with residents, the workers are protected by Plexiglas? Other government agencies are opening up at a reduced capacity. Councilwoman Amparano stated the girls are doing their job and a lot more. Trying to keep on top of everything.

**Roll Call Vote of the Motion on the Floor**

Councilwoman Martinez	Yes	Councilman Bustamante	No
Councilwoman Amparano	No	Vice Mayor Anaya	Yes
Mayor Dietz	No		

Vote 3-2 Motion is Defeated

Motion is to Continue with Emergency Order 2020-01 through June 18<sup>th</sup> 2020

Motion by Councilwoman Amparano		Second by Vice Mayor Anaya	
Councilwoman Martinez	No	Councilman Bustamante	Yes
Councilwoman Amparano	Yes	Vice Mayor Anaya	No
Mayor Dietz	Yes		

Vote 3-2 Motion Passes

**B. Discussion of Use of Town Ball Fields during the Corona Virus Epidemic Pandemic and whether Town Council wishes the ball fields to remain closed or be reopened.**

Motion is to keep all ball fields closed to any tournaments thru the end of 2020 or until a vaccine is available to the public.

Motion by Councilwoman Martinez		Second by Councilwoman Amparano	
Councilwoman Martinez	Yes	Councilman Bustamante	No
Councilwoman Amparano	Yes	Vice Mayor Anaya	Yes
Mayor Dietz	Yes		

Vote 4-1 Motion Passes

**C. Consideration and Possible Approval of Modification of Moratorium on Utility Disconnections during Corona Virus Epidemic Pandemic set to expire May 22, 2020.**

Motion is to continue Moratorium on Utility Disconnections during Corona Virus Epidemic Pandemic until June 22, 2020

Motion by Councilwoman Amparano		Second by Councilman Martinez	
Councilwoman Martinez	Yes	Councilman Bustamante	Yes
Councilwoman Amparano	Yes	Vice Mayor Anaya	Yes
Mayor Dietz	Yes		

Vote 5-0 Motion Passes

**D. Consideration and Possible approval of Appointment of individual to serve as Town Councilmember replacing Matthew Rash as Town Councilmember and administer Oath of Office.**

Nominations: Rudy Romo nominated by Vice Mayor Anaya

Motion is to Accept Rudy Romo as Councilmember to temporarily replace Matthew Rash until the seat is filled by the Election 2020

Motion by Vice Mayor Anaya Second by Councilwoman Amparano  
Councilwoman Martinez Request the Floor for Discussion-There are (4) four Council Seats available for the election in August. Four persons have filed packets for those seats, they are running unopposed. Because of this all four will be elected and placed on this Council at the end of this year. Why make a temporary placement of an individual when you could choose from one of the two candidates not already sitting on this Council. It is not understood why this Council would put someone in for a few months, just to reseat someone new into that seat at the end of the year when you can make one transition now.

Mayor Dietz- Called to proceed with the vote

Councilwoman Martinez	No	Councilman Bustamante	Yes
Councilwoman Amparano	Yes	Vice Mayor Anaya	Yes
Mayor Dietz	Yes		

Vote 4-1 Motion Passes Rudy Romo is accepted to the Town of Mammoth Council

Attorney S. Cooper will administer the Oath of Office via Teleconference.  
Rudy Romo will Accept and Repeat the Oath of Office via Teleconference in the presence of Vice Mayor Anaya.

11. Possible Executive Session – There is no Executive Session

12. Adjourn

Motion is to adjourn meeting at 8:42 PM

Motion by: Councilwoman Amparano

Second by: Mayor Dietz

Motion Passed Vote 5-0

I certify that the preceding is a true and correct copy of the Town of Mammoth Council Meeting held May 21, 2020. I further certify that the meeting was duly called and held.

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Don Jones, Town Manager