



TOWN OF MAMMOTH
MINUTES OF A REGULAR/SPECIAL MEETING
OF THE MAMMOTH TOWN COUNCIL
HELD ON
July 16 2020

These are the Minutes of a Regular Meeting held by the Mammoth Town Council
On July 16, 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 7:02 PM Mayor Dietz
2. PLEDGE OF ALLEGIANCE Councilman Martinez
3. ROLL CALL

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

PRESENT STAFF
Attorney S Cooper
Town Manager D Jones
Town Recorder S Christiansen
Public Works W Gort.

ABSENT MEMBERS
Councilman Romo Excused

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: 425855125#

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

- 5. APPROVAL OF MEETING MINUTES

a. Special Meeting 06-18-2020
Motion to Accept Minutes as Written
Motion by: Councilwoman Martinez Second by: Councilwoman Amparano
Motion Passed Vote 6-0

- 6. MAYOR AND COUNCIL COMMENTS

a. Councilwoman Martinez- Mask Mandate-It reflects poorly on our town when we have Council Members who do not wear a mask when in public. We really need to set the example when we are out in public. We need to make sure that we above everyone else are wearing those face masks. People are looking to us and we have a mandate that states it is mandatory to wear masks in Mammoth. It reflects badly on this Council when we do not abide by our own mandates. So, everyone needs to make the efforts to ensure that they are wearing the masks any time they are in the public facilities or where social distancing is not assured.
b. Councilman Bustamante- Yes the masks are important. I have gone to the store and seen some people without masks and thought whether I should approach them or not. But decided that I am not going to get close to someone not wearing a mask. They need to be aware of the issues, and hopefully we do our part and they will too. We had a meeting of the PSPRS today and hopefully

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

we were able to resolve some stuff. Also, we need to know where we are at with the Budgets, Public Works, water and sewer, how we are going to operate, HURF, and the like. We need to work on these. Thank you.

7. CONSENT AGENDA

- A. Staff Recommendations and Reports
 - a. Town Clerk/Treasure Report (Pulled for Oral Presentation per Councilwoman Martinez)
 - b. Public Works Report
 - c. Library Report
 - d. Planning and Zoning Report
- B. Staff Reports
 - a. Police Report (Pulled for Oral Presentation per Councilwoman Martinez)
 - b. Town Manager Report
- C. Approve Accounts Payable for Payment and Filing (Pulled for Oral Presentation per Councilwoman Martinez)
- D. Presentation by Town Attorney on setting no rehire policy for Town Employees or Town Officers. (Pulled for Oral Presentation per Councilwoman Martinez)

Mayor Dietz motions to move Item 9A out of sequence to this time slot. Due to weather issues in case we lose power and must close the meeting.

9A Presentation by Pat Walker and Walker Consulting on 2020-2021 Tentative Budget

Pat Walker: The 20-21 Budget is to set the ceiling, which means the highest your budget can go. Taking into consideration all the revenues we think will be taken in for the next fiscal year. In doing that it would create a budget of \$ 5, 300,411.00, last year was \$ 4, 030,993.00 this is an increase from the prior year primarily because of a couple things...transportation sales tax allowed about a million dollars expenditure limit so that you could spend it if you wanted to. I wanted to give the town the most flexibility. If you don't budget it, you can't spend it. The water and sewer had increases so those are included. The grants we always leave at \$1,295,000.00 which is high, again to give the town flexibility on the budget. The good news is that your assessed value went up so the Property Tax Rate will go from \$2.045 to \$2.0251 which will be the same amount of levy about \$51, 586.00. You also this year are receiving funds from Arizona Cares Act. We are anticipating that we will get that revenue by the end of the year. That is about \$193,679.00 and I will put in an application for that tomorrow or Monday. That is usually turned around in a short amount of time. This is to reimburse for revenue short falls due to COVID 19. Again, I will go into extreme detail at the Adoption, but to keep it legal and get your ceiling limit adopted we need to pass the Tentative this evening. Then we will do the advertising for two weeks and then come back together and have a public hearing and then we wait 14 days to adopt the final budget. So we must move ahead tonight. So the motion would be to accept the Tentative Budget 2020-2021 in the amount of \$5,300,411.00 and set the public hearing for Friday, July 31, 2020 at 6PM. This will have to be a special meeting to meet the deadline associated with the State Statutes.

Councilwoman Martinez: Could you have Sharon send us a copy of your power point presentation please so that we may look over the amounts you gave?

Pat Walker: Yes

Sharon Christiansen: Yes I will send those immediately to your inboxes.

9B Consideration and Possible Approval of 2020-2021 Tentative Budget

Motion to Accept Tentative Budget in the amount of \$ 5,300,411.00 and set a public hearing for the Final Budget and the Tax Levy on July 31, 2020.

Motion by Councilwoman Martinez

Second by Councilwoman Amparano

There are questions concerning how we will conduct a public meeting when the public cannot meet due to this Covid 19. Other agencies are opening up for these types of meeting and we are not. Councilwoman Martinez shows concerns about how the public will be able to voice their comments.

Sharon Christiansen stated that it is possible and all callers will be asked their name so they can be on the record and will be called in the order they enter the meeting during Public Comments. This should make it accessible to all who would like their comments heard.

Councilwoman Martinez is still concerned with the public not being able to see the presentation and the numbers being discussed. She believes it should be held either in chambers or at the community center. We are dealing with the town budget for the next year and she believes it should truly be done in the public with attendees present. You could limit the attendance at Town Hall for Social Distancing. But she believes it must be done in a public forum so they can see what we see and participate. She does not believe this is something we should adopt over the phone. **Sharon Christiansen** will post all copies on the website so that any interested party may see the documents in question, and view the power point presentation. **The Legal forms will all be posted in the newspaper as well.** **Councilwoman Martinez:** Mr. Mayor are we able to hold this meeting at the community center and use social distancing? Maybe we could also live stream the meeting on face book so that those who cannot attend will be able to view the meeting.

Mayor Dietz: I am not comfortable with that at this time. With us being one of the highest states in cases at this time I do not feel that is an option.

Councilwoman Martinez Withdraws here motion to Accept

9B Consideration and Possible Approval of 2020-2021 Tentative Budget

Motion to Accept Tentative Budget in the amount of \$ 5,300,411.00 and set a public hearing for the Final Budget and the Tax Levy on July 31, 2020. This public hearing and meeting will be telephonic and will be open to the public for comments at 6 pm.

Motion by Councilwoman Amparano

Second by Councilman Martinez

Roll Call Vote

Councilwoman Martinez	YES	Councilman Bustamante	YES
Councilwoman Amparano	YES	Councilman Martinez	YES
Vice Mayor Anaya	YES	Mayor Dietz	YES

Motion Passes Vote 6-0

Returning to Regular Sequence on the Agenda

Motion is to approve Consent Agenda for July 16, 2020 to include PW report, Library report, PZ report, Town Managers report.

Motion by Councilwoman Martinez

Second by Councilwoman Amparano

Motion Passed Vote 6-0

Town Treasurer Report (Oral by Town Recorder) June 1 – June 30, 2020

Beginning Balance	\$873,762.89	Revenues/Credits	\$146,790.66
Expenses/Debits	\$795,042.91	Ending Balance	\$225,510.64
This was a NEGATIVE MONTH OF		\$648,252.25	

Motion to Accept Treasure Report

Motion by: Councilwoman Martinez

Second by: Councilwoman Amparano

Motion Passed Vote 6-0

Police Report (Oral by Chief Lujan)—Began with a Statistical Report for the month of June, 2020. We hired a new dispatcher, today was her first day. One officer resigned but, will stay on as a reserve officer. Bad news is we are really hurting in the police department. We are short staffed, I was working four hours on Saturday and had to be my own dispatcher. Sunday for 3 hours again I had no dispatcher. I have used a reserve officer as a dispatcher. So we are hurting for officers and dispatchers. The Good News is the SGT. has put in for some monies from the State Attorney General and we can be awarded \$10,000.00 for Safety. We will submit that so we can get that money in.

Motion is to Accept Police Report

Motion by: Councilwoman Amparano
Motion Passed Vote 6-0

Second by: Councilwoman Martinez

Accounts payable for payment and filing

Councilwoman Martinez: I have a few questions, normally we get a Cassel Sheet with the breakdown of expenditures. This month we did not get that. All we got was the Treasures Report showing a negative month of \$ 648,252.25 which is a lot of money to be paying out in one month. I see a lot of really high transactions, but when we just receive a bank statement that does not tell us who and why. There is a check for 253,047.10 and another for 387,889.75, 17,812.40, 7,007 and 8,366. There are a lot of big ticket checks in here, with no explanation. I have a problem approving Accounts Payable without that information. Can you explain to me what these checks were for and what made up that 600,000.00 negative amount that we paid out this month, I would appreciate it. I understand that one or more may have been for paving, but I would need to know what these checks are for before I could approve this.

Mayor Dietz: Mr. Jones could you explain.

Don Jones: Yes that is all in the Grant Money and HURF Money. If you want to call in tomorrow I can give you who and what those checks were made out for.

Councilwoman Martinez: That is not a problem, I can do that. This is exactly why we need to receive our packets on the Friday before the meeting so if we have these questions we can get it taken care of before the meeting occurs. Our rules and regulations state that we are to receive our packets on the Friday before a council meeting. Us getting the packet on Tuesday when the meeting is on Thursday does not give us time to reach out for questions and answers. So, at this time I have a problem approving accounts payable when I do not know what those checks were for.

Don Jones: The state rule for packets is 24 hours, we had some issues and could not send them out earlier. But I don't blame you for that question.

Councilwoman Martinez. I am not blaming anyone, and I know the state rule is 24 hours, but our code says we are to receive the packets by the Friday prior to the meetings. My motion right now until I can see where those checks went would be to Table this until the special meeting on July 31 so that the council has a chance to review all these high dollar checks.

Motion is to Table the Approval for Payment and Filing until the Special Meeting on July 31, 2020.

Motion by: Councilwoman Martinez

Second by: Councilwoman Amparano

Roll Call Vote

Councilwoman Martinez	YES	Councilman Bustamante	NO
Councilwoman Amparano	YES	Councilman Martinez	YES
Vice Mayor Anaya	NO	Mayor Dietz	NO

Motion is Defeated

Mayor Dietz directed that this item be readdressed at the July 31, 2020 meeting.

Presentation by Town Attorney (S. Cooper)—At our last council meeting and this is reflected in the minutes, you asked about a rehire policy for town employee and officers. As I state previously, we have no policy in place. Most of the towns that I am aware of, when you have litigation involving employment claims, they are settled by a third party. (The Risk Pool Attorney) They have release agreements. Our contractual agreement with the Risk Pool on a contract matter is that, if the settlement of the case is under \$75,000.00 they have the right to settle the case without the approval of the council. In some cases they do not have a rehire clause in these types of situations. Sometimes they do have an agreement in place where they would resign and they understand that there is no rights to rehire, which is a contractual agreement. I would have a concern about the town having a blanket no rehire policy. We could be in situations where, one size does not fit all. We should look at these cases on a case by case basis. Also Town Officers are legislative appointments and are appointed by the Town Council. I would have concerns about enforceability of such an agreement, we would not be able to bind a future council on who to hire and who to fire in the future. There is some case law in Arizona that states, you cannot pass an ordinance or law that would prevent a future council from taking action on something that is considered to be administrative or legislative. I would strongly urge you not to adopt such a policy, just leave things as they are. When we look at rehiring someone, whether it is an officer or an employee, that we do it on a case by case basis. There may be a good reason to bring them back or there may be a reason that we would not bring them back. But, having a one size fits all policy in a community like Mammoth where we have difficulty getting qualified people who want to come here if for no other

reason than the geographical location. I would submit to you that doing this would not be a wise course of action. We should look at it as each set of facts come to light. Are there any questions?

Councilman Bustamante showed agreement with Mr. Cooper's Recommendations

Councilwoman Martinez also agrees with Mr. Cooper's Recommendations

8. OLD 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, Town Pool and other Public Facilities During Corona Virus Pandemic. Current order expires on August 20, 2020.

Mayor Dietz would like this matter to continue and be revisited at the August 20, 2020 meeting.

Councilwoman Martinez had some concerns with the Town Pool remaining open. Her concern comes not from within the pool but with those congregating outside waiting for rides or to get in. There were occasions seen by her where multiple groups were seen together with no social distancing or masking. The Governor has shut down waterparks, and apartment pools, this should include the town pool. There are a lot of other cities shutting their pools down. If everything else in Mammoth is to shut down then so should the pool, with virus number continuing to rise, it is necessary especially since we cannot stop the gatherings. **Councilman Bustamante** also shows concerns, the idea of water park closures by the Governor should cover all public water facilities.

Mayor Dietz We have a contract with Wendy Gort and maybe we can table this until the 31st and have Wendy discuss it and give us more information.

Councilwoman Martinez stated if it is not safe for us to hold a meeting together then it is not safe for our residents and children at the pool. So if we are really trying to mitigate our risk then we should also close the pool. Yes we well by the bad guys, and yes it the last things kids have for the summer, but who thinks these children dancing around and looking at each-others phones is any better. We are not looking to send our children back into classrooms until at least October, how is this a safe place for them now. It is a hard decision to make, but just like the water, it needs to be done.

Motion is made by Councilwoman Martinez to table this as written to August 20, 2020 with the amendment that the Town Pool be Closed Effective July 17, 2020.

Mayor Dietz has Requested that Wendy Gort Speak

Wendy Gort: Stated that The Governor did not close down Public Pools, The pool is operating under the guidelines set by the Governor and the CDC. We limit the pool to 50 people and no more than 10 congregating in an area. The most people we have had is 37 and that was yesterday, we have not come close to 50. We do not have people waiting to get in because we have not reached our limit. We enforce these rules at all times. Our focus is not those in the larger parking lot but in the immediate area in front of and inside of the pool itself. You all control the pool, I have a contract to operate the pool, if you say the pool must close to the public, then I will do that. But I will not close the pool to the Sea Lions. I have a contract with them and we do not have 50 people. You cannot judge the attendees based upon a newspaper article. Even if you shut down the pool, I still have to maintain it. That is a state requirement. For this reason I would still be open to the Sea Lions. I will await you decision.

After further discussion over the facts already stated the decision of the council is as follows:

The original motion by Councilwoman Martinez did not receive a second and Dies.

Mayor Dietz motions that no action be taken at this time and the Town Pool will remain open.

B. Consideration and Possible Approval of Modification of Moratorium on Utility Disconnections during Corona Virus Pandemic set to Expire August 20, 2020

Motion is to Continue Moratorium on Utility Disconnections until September 17, 2020

Motion by: Vice Mayor Anaya

Second by: Councilman Martinez

Motion Passed 6-0

9. NEW BUSINESS

A. Discussion on dogs running at large in Town of Mammoth.

Councilwoman Martinez would still like to re-enforce our laws as presented by her in the previous minutes.

Sharon Christiansen: I will put together that information for the August meeting and forward that to Mr. Cooper for a Resolution.

Councilwoman Martinez Can we still instruct our officers to enforce the codes already in place and maybe charge the owners for dogs that need to be transported.

Mr. Cooper-We could do that but I would like to remind you of what the Chief said about shortage of officers and this will make it hard to enforce. Some towns have cross trained some of their public works people to act in this matter. If they see these things they can call them in, but if you want more enforcement it is going to cost a lot of money. Our officer picks up the animal and takes it to San Manuel and we must pay the fee and then collect from the owners. I can tell you in another town I represent there is a full time dog officer, and a lot of the time, dogs running at large or aggressive animals, the owners basically do not claim ownership.

Councilwoman Martinez: we must do something, it is the same people over and over again. Our residents should be able to walk on our sidewalks and designated areas without fear of animals, not be told to walk somewhere else.

Mayor Dietz what about a neighborhood watch type program. People can tell us where the animal is and who the owners are.

Mr. Cooper you could do that and maybe put a link on the website where people can report these cases. Everyone has a cell phone they can take pictures and send with the complaint. Then this information can be sent to town staff or the police department.

Councilwoman Martinez a lot of these officers know where these animals are coming from they just do not enforce this issue. They don't want to be the bad guy and issue the ticket. The incident I speak of was a woman walking down the walk path who pointed out the house the dog came from and the officer told her that he was not animal control and that she should stay off the sidewalk. Until we get this draft from Mr. Cooper we need to instruct our officers that they need to be issuing citations to these people. Once they have to start paying for these tickets their going to stop letting their dogs run free.

After similar discussion amongst council it is decided:

Motion is table this item until the August meeting and to keep Pinal County Ordinance in place, instruct staff to issue a resolution using guidelines set by Councilwoman Martinez, and to instruct officers to take a more proactive role in these cases.

Motion by Councilwoman Martinez Second by Councilman Martinez

Motion is Tabled Vote 6-0

B. Discussion on Speed Bumps/Humps in Town as traffic control devises

Motion is direct staff to draft policy for the Town of Mammoth concerning speed humps as traffic control devises.

Motion by: Councilwoman Martinez Second by Councilman Martinez

Motion Passed Vote 6-0

C. Discussion on current excessive noise Ordinance in the Town of Mammoth

There is no action taken on this item at this time. The current law provides for this issue.

9 NEW BUSINESS CONTINUED

C. Raise fee for Police Reports and Records for Accident Reports, Police Reports and Other Reports to \$15.00 and authorize no charge for reports for crime victims.

Motion is to Approve raising fees to \$15.00 for all Accident, Police, and other Reports with no charge for crime victims.

Motion by: Councilwoman Martinez

Second by: Councilwoman Amparano

Motion Passed Vote 6-0

- D. Consideration and Possible Acceptance on Resignation of Don Jones as Town Manager Effective August 31, 2020 and to terminate the employment of Don Jones as Town Manager Effective August 31, 2020.

Motion to Accept Resignation and Termination of Employment of Don Jones effective August 31, 2020

Motion by Councilwoman Amparano Second by Councilwoman Martinez

Motion Passed Vote 6-0

- E. Consideration, discussion and possible award of paving contract to Falcone Brothers in an amount not to exceed \$750,000 for Town Streets. Funding to be received from sales tax from Pinal County Regional Transit Authority

Motion to Award Paving Contract to Falcone Brothers in an amount not to exceed \$750,000 for Town Streets.

Motion by Vice Mayor Anaya Second by: Councilwoman Amparano

Roll Call Vote

Councilwoman Martinez	NO	Councilman Bustamante	YES
Councilwoman Amparano	YES	Councilman Martinez	YES
Vice Mayor Anaya	YES	Mayor Dietz	YES

Motion Passed Vote 5-1

10. Possible Executive Session – NONE

11. Adjourn

Motion is to adjourn meeting at 8:54 PM

Motion by: Councilwoman Martinez

Second by: Councilwoman Amparano

Motion Passed Vote 6-0

I certify that the preceding is a true and correct copy of the Town of Mammoth Council Meeting held July 16, 2020. I further certify that the meeting was duly called and held.

Don Jones, Town Manager