



**TOWN OF MAMMOTH
MINUTES OF A REGULAR/SPECIAL MEETING
OF THE MAMMOTH TOWN COUNCIL
HELD ON
June 18 2020**

**These are the Minutes of a Regular Meeting held by the Mammoth Town Council
On June 18, 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 7:16 PM Mayor Dietz
2. **PLEDGE OF ALLEGIANCE** Councilwoman Amparano
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

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: 1877-568-4106 Access Code: 946258501#

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

5. **APPROVAL OF MEETING MINUTES**

- a. **Special Meeting 05-21-2020**

Motion to Accept Minutes as Written with a modification of (Item 10A New Business)
Line addition requested by Councilwoman Martinez to include the statement, "Don Jones Refused to Open Town Hall to one person at a time."
Motion by: Councilwoman Martinez Second by: Councilman Martinez
Motion Passed Vote 7-0

6. **MAYOR AND COUNCIL COMMENTS**

- a. **Councilwoman Martinez**-I just want to say a really big THANK YOU to the Mammoth Police Department. With everything going on right now it is hard to be a police officer. I just want to take a minute to as a citizen and as a Councilmember, to let them know that I greatly appreciate your service and I think they are doing an amazing job. The other thing I wanted to say was concerning the Big Horn Fire. I was up in San Manuel last night and the fire was burning pretty close to San Manuel. It would be nice if our Public Works Department could make sure that all our Dozers and Backhoes have been maintenance and ready to go, if the fire hits the riverbed it could come our way. Our Fire Department needs to make sure they have the materials and equipment to build fire breaks in order to protect the town. So, if they could make sure those pieces of equipment are up

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and operational. The last thing is Fire Hydrants, we spoke about this at the CDBG Meeting, I know we just spoke about replacing them, but we need to make sure we have adequate water and supply to those hydrants and that they are all working. There was a fire over on 3rd street that could have been much worse, the fire department had to run a line from 4th street over to 3rd street in order to fight that fire. Thankfully we have amazing fire fighters who were able to keep it contained to just a camper and small craft. It could have been much worse, but it could have been much less had the hydrant on 3rd street been working. We should make those hydrant a top priority and make sure they get fixed.

- b. **Councilman Bustamante**- I have been pounding at this for a while and hopefully it is not on deaf ears. I appreciate the police and law enforcement and what is going on nationally, things are going to change. Second, here locally with the fire hazard, come on, people need to clean their yards. What is the problem? We have to be ready for the fire season. The weeds, the dryness, and everything, the yards are not cleaned. Let's not make the job harder than it needs to be. We need to step it up and get people to clean up, pull their weeds, and think about prevention measures.
- c. **Councilwoman Amparano**- I agree with Councilman Bustamante, what I would like is to add to that is if we could get a little group of volunteers to help out some of the elderly people of our community. They cannot get out there in the heat and clean. That would be very helpful.

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**
- D. **Presentation by Town Attorney on setting no rehire policy for Town Employees or Town Officers.** (Pulled for Oral Presentation per Councilwoman Martinez)

Motion is to approve Consent Agenda for June 18th, 2020

Motion by Councilwoman Martinez Second by Councilman Martinez

Motion Passed Vote 7-0

Town Treasurer Report (Oral by Town Recorder) May 1 – May 31, 2020

Beginning Balance	\$966,461.20	Revenues/Credits	\$214,414.49
Expenses/Debits	\$307,112.80	Ending Balance	\$873,762.89
This was a NEGATIVE MONTH OF			\$92,698.31

Councilwoman Martinez Question: A large amount of the Cassel worksheet showed payment to the Falcone Brothers, is that something we are still being reimbursed for, or did we just not get that check in yet? Or, did we get the check in and spend it on another month?

Don Jones Town Manager Reply: That is the Paving Company.

Councilwoman Martinez: We paid \$387,889.75 this month to the Falcone Brothers, it was my understanding that this was to come from that FEMA Money, is that Correct?

Don Jones: Yes

Councilwoman Martinez: Is the reason we are negative is because we have not received that money and are still waiting for it from the State?

Don Jones: Yes, the State is out of money. We are still waiting to receive it.

Councilman Bustamante: The Governor speaks every week and you must listen not only to what is being said, but also to what is not being said. The State is entering a deficit. Due to this deficit with the state, local government is also going to develop this deficit. We need to understand this going forward.

Don Jones: Currently the State is out of Funding, we have been promised this money by the Governor and although they are out of funding now, we are supposed to get the funding during their next budget cycle in July. We had

enough money in our HURF to pay the Contractor and the State reimbursement will then be returned to HURF for further projects.

Motion to Accept Treasure Report

Motion by: Councilwoman Martinez

Second by: Councilwoman Amparano

Motion Passed Vote 7-0

Police Report (Oral by Chief Lujan)—Began with a Statistical Report for the month of May, 2020. MPD currently have patrol/protect (House Watch) for 8 Residents, this is a service Mammoth Police Provide our residents. The PD was able to get a utility truck with a man lift that the town can use for things like the street lights. We received it from the Military, this helps the police department as well because more lighting means less crime. We have a new officer, his name is Dean Spencer. He is doing an outstanding job, he has one Felony DUI, a second DUI, and an Aggravated Domestic Violence in the 2 ½ weeks he has been here. We have also had Officer Shelton Retire. Officer Shelton will be staying with us as a Reserve Officer, maybe 16 hours per month. We had a complaint about one of our officers, a gentleman complained that officer was profiling. This was just that the officer had pulled in behind him on routine rounds, did not pull him over or anything. The gentleman stated that the officer had run his license plate, however there is nothing in the logs to indicate that this plate search was ever called in. But, as Councilwoman Martinez mentioned earlier, we are getting more officer complaints due to the Police Related Events that are occurring across the nation. We feel we are walking on eggshells, we will continue to do our job. One thing I would like to bring up to the Town Council is our Reports, They currently are \$10.00 for a copy. I would like to see this raised to \$15.00, the reason for this is that most requests for accident reports are from out of towners and when speaking to CARFAX they stated that most police agencies are charging \$20-\$25 per report. I would also like to raise the charge for Criminal Reports as well. I spoke to victim's rights and was told that some agencies charge for these reports, I told them Mammoth would not charge the victims for these reports as they have already been victimized. We would like to see this charged at \$15 per report for anyone requesting a copy that is not the victim. Councilman Bustamante: Request to see a version of Neighborhood Watch or Block Watch program initiated here in Mammoth. There was one years ago and it seems to be a needed effort on behalf of the town and the residents. Chief Lujan: That would be great, anything that presents a deterrent is better for all. Most of the local crime is kids and if they know that neighbors are watching and calling in this could be an advantage in lowering that crime rate. Councilman Bustamante: All these vacant houses and properties are not owned by children or teenagers, they are owned by adults. We need to get these codes enforced. It is a very dry season and our Fire Season. Councilwoman Martinez: Could we please get the report cost increase on the agenda for the next meeting.

Mayor Dietz: Yes

Councilman Romo: How much of the fines are revenue to Mammoth?

Chief Lujan: All fines are different, however I believe we get 20% of dog fines which are at \$500 and the Council passed the calling and texting while driving ordinance in which we receive 100% of the fine to Mammoth Police Department. Most of the fines are minimal revenue and only about 40% of our cases are with Mammoth Justice Courts.

Councilmen Romo and Bustamante: Would like to see a Magistrates Report each month on the amount of revenue brought in through the courts.

Motion is to Accept Police Report

Motion by: Mayor Dietz

Second by: Councilman Romo

Motion Passed Vote 7-0

Presentation by Town Attorney (S. Cooper)—Questions were asked on whether we have a rehire policy concerning Town Employees or Officers. There is currently no policy in place. In most cities and towns Lawsuits are settled with an agreement not to rehire. But since I have been your attorney for the past 7 or 8 years, we have not had that with any of the settlement agreements for any personnel matters. There have only been 2 personnel lawsuits that I am aware of. The town is certainly able to rehire someone that has been employed previously unless there is some agreement not to do so. As a general rule whether they are hired as an employee or an officer, if there is a good reason to bring them back the town would probably do so. Also, if there were good reasons not to rehire, I am sure the down would decline the application. This may include those who have sued the town in the past.

Mayor Dietz: I would like to see an agenda item for the next meeting that considers not rehiring someone who has sued the town in the past.

Councilwoman Martinez: You cannot do that, it is an infringement on their rights and we are an equal opportunity employer. Unless you put it in the lawsuit you can't do that.

Councilman Romo- Why would you want to rehire someone that has cost the town money in the past? There are people who do not know the history and history will repeat itself. So I suggest we look at this real close.

Mayor Dietz: Requests that Mr. Cooper looks into the legality of placing this item up for discussion and a vote at the next meeting.

Councilwoman Martinez: What about employees that are currently employed by the town if there are any, what will you do about them?

Mayor Dietz: The same would go for anybody I would think.

This was for informational purposes only and will be discussed at a future meeting, no action was taken.

8. OLD BUSINESS

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

a. There was no personnel from Zayo at the meeting.

b. Mr. Cooper- Zayo is a Dark 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 and Libraries. So they have been given the task of gaining 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, Hayden, and Kearney.

c. After some council discussion the following motion was made.

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

Motion by Councilwoman Amparano Second by: Councilman Martinez

Motion Passed Vote 7-0

Items B & C are back on the agenda at Council Request. Arizona Pandemic numbers continue to increase as well as some increase in cases located in the Town Limits of Mammoth. This is to either continue the Emergency order 2020-01, Cancel the order, or modify this order in efforts to protect the Town and its residents.

Also note that there will be a Mayors Proclamation concerning the wearing of masks in any public area were distancing of 6 feet may not be possible. Questions were raised about adding this to tonight's agenda item. It was stated that at this time the Council would direct the emergency drafting of this order and that this would be ready for signatures and be in place and made mandatory by Order of the Mayor of Mammoth on Monday June 22, 2020.

B. 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 Corona Virus Pandemic.

Motion is to Extend the Emergency Order 2020-01 Temporary Closure of all Town related public buildings and Parks until August 20, 2020 with the direction that we sign an Emergency Order mandating the wearing of Masks effective in all public areas within the Town of Mammoth where social distancing of 6 feet is not possible to take effect on Monday June 22, 2020. This also includes the closing of the Town Ball Fields until 12/31/2020 or a vaccine is made available.

Motion by: Councilwoman Martinez

Second by: Councilwoman Amparano

Councilman Bustamante Question: How do we want to treat the Parks and Public Areas should we use some kind of signage? Signage will go a long way in stopping the confusion.

Councilwoman Martinez: Yes, even though all areas are closed by order there are still children who are using the park and the basketball courts, I believe signage noting the closure are in order with a statement that should you choose to use these areas you do so at your own risk. We also need to make our police department aware of this closure, they are under the impression that the closure was directly the town buildings even though we discussed the parks and ball fields as part of the closure.

(A motion is on the floor with a second and the vote is)

Motion Passed Vote 7-0

C. Consideration and Possible Approval of Modification of Moratorium on Utility Disconnections during Corona Virus Pandemic set to Expire June 18th.

Motion is to Continue Moratorium on Utility Disconnections until August 20, 2020 or further orders are instituted.

Motion by: Councilwoman Martinez

Second by: Councilwoman Amparano

Motion Passed 7-0

9. NEW BUSINESS

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

At the previous meeting Councilwoman Martinez suggested that the fines for "Dog at Large" should be as follows, First offense Warning—Second 250.00 -Third \$500.00—Fourth \$1000-Fifth Lose the rights to own dogs in the town of Mammoth.

Instruction from Council to Attorney

Town of Mammoth Dog at Large/Leash Law to contain per animals fines of:

First Offense is a warning of the fines and acknowledgement that there will be a fine attached to the next sighting of these animals.

Repeat 2nd offense-\$250.00 or \$150.00 and complete Pet Ownership Course through Pinal County

Repeat 3rd offense-\$500.00

Repeat 4th offense-\$1000.00 or surrender each animal to Pinal County and Pay the Surrender Fines to Pinal County.

These Offenses are considered offenses by the owner and not the individual animal at large.

(Explanation as follows: The offense is in contacting the same owner whether that be on the same dog or another dog in their care. It is not a case of the same animal being out more than once. If you have 3 dogs and the first is out and you receive a warning, then the second animal is at large this is the owners 2nd offense.) The Council also suggested the use of the Town Website and the Miner to give the residents a 30 day notice of this taking affect once approved by the Council.

Attorney Cooper will send out a copy of our town code section 6.04 adopting the Pinal County Animal Control fee ordinance. It will probably be more comprehensive than you would have passed as a town. Next week I will have staff send you a copy of this ordinance for you to review and you can let me know at the next meeting whether you want to depart from this ordinance or if you would want to keep it in place. I would assume that the matter of increased fines will be in there as well.

Councilwoman Martinez requests that in addition to receiving the Pinal County Information that Mr. Cooper also draw up a perspective ordinance based on the criteria suggested so that there is an option open for a vote should the council decide against continuing with the Pinal County Code and Fee schedule.

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

Don Jones Town Manager request recognition of the Council, Granted by Mayor Dietz.

Mr. Jones-Council I request that this item be tabled until the July Meeting as we do have in place the addition of speed bumps to some areas. This is already in the works and will have further information for you at the July Meeting.

Motion is to apply speed bumps in the town of Mammoth as a traffic control device

Motion by: Councilwoman Martinez

Motion dies because of no second.

Mr. Cooper will send out a notice concerning speed bumps for Council review and this matter will be tabled until the July Meeting. No Action is taken at this time.

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

Mr. Cooper--This was placed concerning the noise levels of cars with boom box volume, I want to bring to you attention the current ordinance you have which is Town Code 9.12 Disturbing the Peace, it is unlawful for any person to willingly or maliciously disturb the peace and the quiet of any Neighborhood, family, or person by loud or unusual noise or offensive conduct or by threatening, challenging, or by applying any violent or abusive or obscene epithets to another. If this does not meet your needs for the town, I can certainly draft a new direction for review. It may serve this Council to instruct Law Enforcement if the noise level is too loud to use this, and press the enforcement of citing these offenders.

No Action Taken by the Council, Direction of Staff to Enforce the Existing Disturbing the Peace Order as defined in Town Code Section 9.12 It was also noted by the Council that this would also include enforcing the noise factor on parties that extend past 10PM.

D. Presentation on Emergency Responder Paging and steps to be taken by Town Staff in dispatching Emergency Service Providers.

Mr. Cooper—At the prior Council Meeting there was discussion on the complaints by the community on the lack of response when contacting Emergency Service Providers. Council asked to have this as an agenda item so that the town could look into it and I believe there would be contact with the Chief of Police in regards to calling. I believe Chief Lujan addressed this at the last meeting, I don't know if there is any further information that we can relay at this time.

Chief Lujan Policy on calling Emergency Response Teams—Our first call is always to the Mammoth Fire Department—we also page them and call Fire Chief Marty Ponce.—If we receive no response, depending on the call, we will call the next service in the lineup. If it is a fire, or life threatening we will contact the closest response which is Pinal Rural we also at the same time call San Manuel.

Councilman Martinez-We have never had problems with Mammoth Fire before.

Chief Lujan- I agree with Councilman Martinez, but there was a few issues in that month when Mammoth Fire did not respond. It was left to us to make a life-saving decision and when seconds count we made that determination. But that one month showed us that we do need to form a backup plan for life-saving measures should that type of issue ever present itself again.

Mayor Dietz suggested having a secondary number to call for the Mammoth Fire if the first number is not responded to.

Chief Lujan stated that after the initial phone call a page is sent out which goes to all Mammoth Fire Fighters. When this is not responded to, this is when a decision must be made as to the status of the emergency and the nature of the call in deciding what organization gets the next call to respond.

Councilman Romo-I would like to see a meeting of the Police, the Fire, and the Council so that we may all discuss the issue and the procedures that are in place. We have not heard the Fire Department's side of this issue.

Councilman Bustamante would like it known that we are not speaking about Fire Department but instead we are speaking of Fire Districts.

Chief Lujan responded that all calls are now recorded and the Council may listen to the recordings showing that Mammoth was called seven times before another agency was contacted and they are welcomed to come and listen to those recordings themselves.

No Action Taken at this time-Mayor Dietz to Vice Mayor Anaya, Direction to Staff to set a meeting of the Police Department, Fire Department, and Council concerning this matter.

E. Consideration and Possible Acceptance on Resignation of Don Jones as Town Manager Effective June 30, 2020. This matter may be discussed in Executive Session Pursuant to ARS 38-431.03 A1,3,and 4 for contracts, consideration of employment and legal advice.

Mayor Dietz—We have grants for \$600,000 and another for \$130,000, plus we have three applications for employment and we have extended the offering of the position on the League of Cities and Towns for us to interview. I really would like the refusal of the resignation of Don Jones at this time. I would like to keep him on for a couple more months to complete the distribution of these funds. So at this time I am asking the Council not to accept his resignation at this time.

Councilman Martinez-Question to the attorney-If we do not accept his resignation as of June 30, 2020 which is the end of the current contract could we be sued as a town for that action?

Councilwoman Martinez- Requests that we move into Executive Session as matters of Employment are now being discussed. Unless Mr. Jones states that it is okay to discuss, I believe these matters should be discussed in private.

Motion to enter Executive Session at 8:38PM

Motion by Councilwoman Martinez Second by Councilwoman Amparano

Motion Passed 7-0

We are in Executive Session with Council, Town Manager, Town Recorder and Attorney.

Town Recorder has asked that all Members of the Public Please disconnect from the call-in at this time and we will resume regular session in 15 minutes at which time you may rejoin the discussion at 8:53 PM

10. Possible Executive Session –

Resume Regular Meeting at 8:53PM

Item 9E

Motion is to Accept Resignation of Don Jones as Town Manager effective June 30, 2020

Motion by Councilwoman Martinez Second by Councilwoman Amparano

Roll Call Vote

Councilman Romo	NO	Councilwoman Martinez	YES
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Councilman Bustamante	NO	Councilwoman Amparano	YES
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Councilman Martinez	YES	Vice Mayor Anaya	NO
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Mayor Dietz	NO		
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Motion has been Defeated

Vote is 3 to Accept and 4 to Reject-- Mr. Jones Resignation has been Rejected at this time.

Item 9F

Consideration and Possible setting of salary of Town Manager for the Fiscal Year 2020-2021 and setting salary in event resignation of Town Manager is accepted. Set salary for Public Works Director. Set salary for Town Clerk when needed. (Present salaries are as follows)

Manager \$70,000 Public Works Director \$47,000 and Clerk \$47,000

Motion is to Table this item at this time

Motion by Councilwoman Amparano Second by Councilman Martinez

Motion is Tabled Vote 7-0

11. Adjourn

Motion is to adjourn meeting at 9:06 PM

Motion by: Councilwoman Amparano Second by: Councilman Martinez

Motion Passed Vote 7-0

I certify that the preceding is a true and correct copy of the Town of Mammoth Council Meeting held June 18 2020. I further certify that the meeting was duly called and held.

Don Jones, Town Manager