



**TOWN OF MAMMOTH
MINUTES OF A REGULAR MEETING
OF THE MAMMOTH TOWN COUNCIL
HELD ON
JANUARY 21, 2021**

**These are the Minutes of a Regular Meeting held by the Mammoth Town Council
On January 21, 2021 pursuant to the notice required by Law.**

**Due to the COVID-19 Virus and our efforts to slow the spread, and to keep all members
and attendees safe in this time of crisis. We require that all those in attendance are Masked
and adhering to Social Distancing Measures.**

Some Council Members are appearing by Telephonic means.

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

PRESENT MEMBERS

Mayor Armenta
Vice Mayor Martinez
Councilman Anaya (T)
Councilman Bustamante (T)
Councilman Martinez
Councilman Adams
Councilman Brewer

PRESENT STAFF

Attorney S Cooper
Town Manager J. Schempf
Town Recorder S Christiansen
Police Chief R Lujan
Public Works B Hernandez
ABSENT MEMBERS

- 4. Consideration and Possible Approval for the Mammoth Swimming Pool Contract with Wendy Gort for the 2021 Swim Season.**

Ms. Gort is present for any questions.

Vice Mayor Martinez--Per the Action Agenda Form submitted states you want us to approve it as it stood last year and you are not interested in making any changes, is that right?

Ms. Gort-- That is right.

Mayor Armenta-- I think the \$3.00 charge is too much.

Ms. Gort --That is a Council decision that can be changed at any time.

Vice Mayor Martinez--I would like to make the other Council members aware of. In the Council Packets from last year concerning this, where it says Town of Mammoth Responsibilities, it is basically everything. We purchase all chemicals, provide all electric and telephones. We pay all the lifeguards. We supply security, we set the admission fees, we do all maintenance and repairs to the pool. This is all our responsibility. What Ms. Gort and the Sea Lions will do is, train lifeguards, schedule lifeguards, set the pool schedule and hours, and approve all Pool Parties. Not last year because of COVID-19 but, in the years before, people would call down there to set up pool parties and they can't because the Sea Lions are doing tournaments or because the Sea Lions are practicing. It is a nightmare. With the Town having all the responsibilities and with us having to pay the lifeguards, I think it would be better to go back to the way it was before. We can Partner with the San Manuel High School, we have Saddle Brook Outreach help with Free Swim Lessons, we can give the NHS the Volunteer hours they need. We can find an operator who can make sure that the pool meets the State Safety Requirements. We did it that way for years before, and we had control. This way, the town has control of

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everything as far as cost is concerned, and the only revenue we see is the admission, and people have a problem paying \$3 for 2 hours. That is a lot of money, especially in this community. I think we would be better off not to renew this contract, and let it expire. Look at getting our own Pool Manager and bringing in the kids from the High School so that we have control over everything. If you're going to pay all the expenses, then you should have control. If something were to happen it would not be the Sea Lions who get into trouble it would be the Town of Mammoth. So, we would be better off getting our own qualified people, I feel we should let it expire and do nothing about it.

Councilman Brewer—Who made this contract?

Ms. Gort—I did.

Councilman Brewer—My feelings are if we are going to have a contract with anyone, The Town of Mammoth Attorney should be the one to write that contract and that contract should favor us.

Vice Mayor Martinez— (asking attorney) I don't think you had anything to do with the contract, did you?

Mr. Cooper—No, I did not draft the contract.

Vice Mayor Martinez—I do see the advantages of having the Sea Lions here, it is another activity for the children during the summer. It is a great organization. Having them here and giving them a place to practice and a place to represent is something we should entertain. But it needs to be like any other organization out there. We should not be turning over control of our town pool to an organization that is no different than the Little League or Softball. I think we need to maintain our pool and the Sea Lions can come before the Council like all the other organizations that ask to use it. They can request the dates and times and we can organize it so that it best benefits us and them. I am not trying to push to Sea Lions out, I just feel that with Mammoth having all the responsibilities, then we need all the responsibilities including setting the pool schedule and hours. This and setting Pool Parties need to be our responsibility. On weekends we need to have time for parties that is when most families do their parties. We need to make those times available not tell them no because the Sea Lions have a Tournament.

J Schempf Town Manager—I do not recommend taking this step, the next step is closing the pool. You are not going to find anyone to operate the pool at these prices. (referring to the contract)

Councilman Adams—I do not have a problem with the contract with Wendy. But not on her terms, she works for the Town, the Town does not work for her.

J. Schempf—This is the same contract and you approved it last time.

Councilman Adams—Two years ago, grandchildren came down to swim and couldn't. This is the Mammoth Pool not the Sea Lions Pool.

J Schempf—You can not run this pool based on the attendance from Mammoth.

Vice Mayor Martinez—Before the Sea Lions came to Mammoth when they were still in San Manuel, the Mammoth Pool was profitable. Not by leaps and bounds, but profitable. What made it profitable was that diving board. Kids came from Hayden to Oracle because no one else has a diving board. As soon as the Sea Lions took over, you were only allowed to walk out to the end and jump off. You can't do flips, you can't do different dives, its just strict rules on the diving-board. She even put it as a benefit to Mammoth because it lowers the liability. I am not arguing that this lowers liability however, I have lived here over 40 years and to my knowledge no one has ever been seriously injured because of the diving board. If you open that pool up the way it was before and it will be profitable again. Yes, you won't have someone doing it for free, the only thing she is doing for free is managing the pool around the scheduling for the Sea Lions tournament schedule. This does not benefit Mammoth it benefits the Sea Lions. We lose so much revenue from parties that can not be held due to tournaments. Not last year but the last year it was open, it was only open for 2-3 hours a day, the rest of the time the Sea Lions held practice. Sea Lions have kids from all over the Cooper Corridor but very few are from Mammoth. The reason they are not in San Manuel anymore is because they took back their pool.

Wendy Gort—Called for a motion.

Motion is to Not Accept the Contract with Wendy Gort for the 2021 Swim Season

Motion by: Councilman Adams

Second by: Vice Mayor Martinez

Councilman Bustamante has requested himself from this vote.

Roll Call Vote

Mayor Armenta YES

Councilman Anaya NO

Councilman Martinez YES

Councilman Brewer YES

Motion Passed Vote 5-1

Vice Mayor Martinez YES

Councilman Bustamante Abstained

Councilman Adams YES

Contract will not be renewed.

A. PUBLIC WORKS REPORT-Bill Hernandez-

Vice Mayor Martinez asked for this to be pulled for Q&A—In the Public Works Report there is an ongoing project at Tank #2 is this part of the grant we are doing or is this out of pocket?

J Schempf—Neither, it is not out of the project, it is money we got as part of FEMA. The reason Bill is not here is he was not feeling well, and we were able to get him into Oro Valley Hospital for a Covid-19 test. There rule is if the patient see a doctor and they think it is possible they get the test if the doctor says no then no test. The doctor said yes get a test. He was negative but everyone was jumping through hoops mentally, what do you do, shut down public works what do you do. But that is why he is not here tonight.

Vice Mayor Martinez—One more question about the quote to redo the parking lot at Las Michacanas and the Meat Market for \$55,000, was that just from the Falcone Bros. or did we get other bids?

J. Schempf—No, we just wanted one to get an idea of the costs. I did get to ask the Bowman Engineer when he was here, and he felt it would be about that price no matter who does it.

Motion to Approve Public Works Report

Motion by: Vice Mayor Martinez

Second by: Councilman Martinez

Motion Passed 7-0

B. Police Report (Oral by Chief Lujan)—Before beginning Chief Lujan asked for a moment of silence for the passing of a long-term Member of the Mammoth Council—Ms. Rogina Medina.

Began with an Annual Statistical Report for the Year 2020. (See attached) I would like to start with our Christmas program which I started 18 years ago and have been doing in Mammoth for the past 3or 4 years and it has gotten bigger each year. We had 2 private citizens donate \$1200 between them. With that we were able to buy \$1300 in clothing, I myself went shopping and bought \$1080 worth of groceries. Some more money came in afterwards and we purchased \$200 in Mc Donald gift cards for the kids. Then we got another \$200 and I donated \$200 and we paid some water bills, one was \$233 for a total of \$461 in water bills. We hired a new dispatcher; we are in the process of hiring a new officer. He would have been hired by now but when we called, he was deployed with the National Guard. He will be back the end of this month and hopefully he is still interested in coming on board. We are happy to announce all officers are certified for another year in proficiency. We will be having a drive thru med disposal starting on January 30th, 2020. Any medication that is used and/or expired may be brought in for disposal, do not bring needles or liquids.

Vice Mayor Martinez—The Town of Mammoth brought in \$339.99 through the Magistrate Courts, do you know if that was from Traffic Violations or something else?

Chief Lujan—I am not sure, I know we do get a small percent of each traffic ticket, and some we do not get anything.

Motion is to Accept Police Report

Motion by: Vice Mayor Martinez

Second by: Councilman Martinez

Motion Passed Vote 7-0

C. Town Managers Report (Oral by John Schempf)—January has started out with a bang, Most recent information for Covid in Pinal County is 38,477 Cases and 522 Deaths, Arizona is at almost 700,00 cases and 11,772 Deaths. Here in the Tri Community Area we have 800 cases with Mammoth being the lowest and Oracle being the highest. The further away from a metropolitan area the lower the number. With all these numbers so high, I have asked the State to begin listing deaths by Zip Code as well on their site. Concerning vaccines, we have got about 20% as time goes on we will get more and more. I have met with Harry Clark and I think we have worked out a fee structure that will allow us to keep the Inspection Revenues here in Mammoth rather than giving that to Pinal County. We have met with Bowman Construction and all is on track with the Water Project. I have spent some time getting legal opinions for the Council on some of their items. I also want to report on this wastewater break we had just up the road. The break occurred in the right of way and was live sewage line which required immediate response. Our insurance company provided ADOT with all the needed paperwork. We contracted out for repair because we do not have the needed machinery or experience. Temporary repairs were made on the 19th, it will remain like this until we can figure out the next step. ADEQ is okay with this arrangement. ****Note**** All 3 breaks were due to the ADOT Sidewalk and Lighting

Project from 2011. Because we are so small and our usage is much less, it has taken this long for the problem to the point where it finally broke the surface. Once we cleaned it all out and ran a camera through there, you could see each hole you can see the conduit. While place that conduit during the boring the hit the sewer line. That was 10 years ago, but it is clear that this is what caused the issue and ADOT is responsible. The permanent fix will be about \$45,000 and we would like to get ADOT to help us out with that. I have not spoken to ADOT as of yet, but it is said that it is very clear by the video as to what happened.

Vice Mayor Martinez—You said you spoke to Harry Clark, were we able to verify all his certification and qualifications?

J Schempf—Yes.

Vice Mayor Martinez—Mr. Cooper, concerning this ADOT issue, if they do not take responsibility do we have any legal recourse due to it being over 10 years?

Mr. Cooper- I would not want to give you any legal advice in this public setting, but generally, if our insurance is paying for any of the damages, then there is a right of reimbursement. This is where we assign a complaint with the State, but it is something we would look into.

Motion to Accept Town Managers Report

Motion by: Vice Mayor Martinez

Second by: Councilman Martinez

Motion Passed Vote 7-0

9. OLD BUSINESS

- A. **Consideration and Possible Approval of creating Town Policy concerning Smoking Areas/Spaces Allowable for the Town of Mammoth Employees**
After some minor discussion it was deemed that **NO ACTION** will be taken on this agenda item.

Motion is to take NO ACTION on this item

Motion by: Second by:

Motion NO ACTION TAKEN

- B **Consideration and Possible Approval of Increasing the size of Headstones at the Valley View Cemetery.**
See attached models for new standard sizes and oversize headstones with a variance. Full ordinance to be reviewed in March 2021.

Motion is to Accept Increase in Size Allowable for Headstones at the Valley View Cemetery

Motion by: Councilman Adams

Second by: Councilman Martinez

Motion Passed 7-0

10. NEW BUSINESS

- A **Consideration and Possible Approval Naming a CFO for the Town of Mammoth Arizona**
Short Council discussion concerning State Requirements and nominating J. Schempf as CFO for Mammoth Arizona.

Motion is to accept John Schempf as CFO for the Town of Mammoth Arizona

Motion by: Vice Mayor Martinez

Second by: Councilman Martinez

Motion Passed Vote 7-0

- B **Consideration and Possible Approval of Retaining an Expert for the San Pedro Water Rights Litigation.**

Mr. Cooper gave a short informational concerning why an expert is needed for this litigation.

Motion is to Approve Retaining Expert for the San Pedro Water Rights Litigation

Motion by: Councilman Adams
Motion Passed Vote 7-0

Second by: Councilman Martinez

- C Consideration and Possible Approval of CDBG Grant for Pandemic Related Projects in the amount of \$125,000

Motion is to Approve filing for CDBG grant for Pandemic Related Projects in the amount of \$125,000 to assist our small businesses and impacted residents during this Pandemic.

Motion by: Vice Mayor Martinez

Second by: Councilman Martinez

Motion Passed Vote 7-0

- D Consideration and Possible Approval of Restaurant/Meat Market Parking Lot Renewal
This will cover a complete parking lot pavement, bid is \$55,000. The account for this already has \$20,000 and this will qualify under HURF.

Motion is to proceed with renewal of Parking Lot owned by The Town of Mammoth for the Restaurant/Meat Market Parking Lot.

Motion by: Vice Mayor Martinez

Second by: Councilman Martinez

Motion Passed Vote 7-0

- E Consideration and Possible Approval of Covid Based Assistance to Mammoth Small Business.
Discussion included possible help with those businesses renting space from the Town in the form of reduced rent for (2) months, also possibility of crediting our small business with (2) months water billing.

Motion is to provide an application process for small business to apply for Covid Relief from the Town of Mammoth.

Motion by: Vice Mayor Martinez

Second by: Councilman Martinez

Motion Passed Vote 7-0

- F Consideration and Possible Approval of Filling the Town Clerk Position.
Councilman Brewer Nominated Angela Sanchez for the position. She has accepted terms as follows, to accept Salary of \$45,000 per year for full time employment, she shall begin in 2 weeks.

Motion is to Approve the hiring of Angela Sanchez as Town Clerk, Salary \$45,000, to begin in 2 weeks.

Motion by: Councilman Brewer

Second by: Councilman Martinez

Roll Call Vote

Mayor Armenta	YES	Vice Mayor Martinez	YES
Councilman Anaya	YES	Councilman Bustamante	YES
Councilman Martinez	YES	Councilman Adams	YES
Councilman Brewer	YES		

Motion Passed Vote 7-0

- G Consideration and Possible Approval of Town Manages Contract
After Discussion there will be no contracts between the Town and any Town Employee
Motion is to take NO ACTION on this item

Motion by: Second by:

Motion NO ACTION TAKEN

- H Consideration and Possible Removal of Gates at the North End of the Softball Field

Motion is to Remove Gates at North End of Softball Field

Motion by: Vice Mayor Martinez

Second by: Councilman Martinez

Motion Passed Vote 7-0

11. MAYOR AND COUNCIL COMMENTS

Vice Mayor Martinez- Thanks everyone for coming to the work session. We need to place on the agenda the matter of Council Attendance. I know some members have a legitimate medical reason for not being here. However, it is very hard for the Council meeting when you have them not paying attention to what is going on here, and talking out of order, call for points of order, they are not addressing the same issue as the rest of the council. Talking out of turn or over another council member. We need to go back to attending the council meetings in person unless you have a medical reason for not physically attending in which case, telecommunication would be provided. This has carried on for meeting after meeting and has gone on for too long. If you are too ill to attend the meeting then we must look at replacing that seat with someone who can perform their duties as they were elected to do. This has gone on for far too long. We are all at risk in this pandemic, yet we are here with each person at their own table and masks being worn so that we can do the job we were elected to do. This will also cut down our meeting times if we are all here and not having to repeat information because there was too much background noise and interruptions. Not being able to understand what is being said by those on the phones and repeat after repeat. Please put this on as an agenda item as soon as possible.

Councilman Adams is in agreement with Vice Mayor Martinez and adds when we put in agenda items they should be placed on the agenda not postponed or delayed. They should come up at the next council meeting for us to discuss and either make a decision to approve it or dismiss it. We should not be told it cannot be put on the agenda.

Councilman Brewer would like to bring up the issues of animals in town limits and planning and zoning issues at the next meeting. Also would like to know why the town is not paying their lumber yard bills on time.

Councilman Bustamante can see no issues with telephonic attendance during this pandemic.

12. EXECUTIVE SESSION-Not needed during this meeting

13. Adjourn

Motion is to adjourn meeting at 9:10 PM

Motion by: Vice Mayor Martinez Second by: Councilman Adams

Motion Passed Vote 7-0

I certify that the preceding is a true and correct copy of the Town of Mammoth Council Meeting held January 18, 2021. I further certify that the meeting was duly called and held.

John Schempf, Interim Town Manager