

**TOWN OF MAMMOTH
MINUTES OF A REGULAR MEETING
OF THE MAMMOTH TOWN COUNCIL
APRIL 15, 2021**

These are the Minutes of a Regular Meeting held by the Mammoth Town Council
On April 15, 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.

1. **CALL TO ORDER** – This meeting was called to order at 7:12 PM Mayor Armenta.
2. **PLEDGE OF ALLEGIANCE** Chief Lujan
3. **ROLL CALL**

PRESENT MEMBERS

Mayor Armenta
Vice Mayor Martinez
Councilman Bustamante
Councilman Brewer
Councilman Adams
Councilman Martinez (Late)

PRESENT STAFF

Attorney S Cooper
Town Manager J. Schempf
Town Clerk A. Sanchez
Police Chief R Lujan
Town Recorder S. Christiansen
Public Works, William Hernandez

ABSENT MEMBERS

4. **CALL TO THE PUBLIC – CALL TO THE PUBLIC WAS MADE AND NO RESPONSE.**

Town Manager recommended that Special Business be moved up to accommodate those present. Councilman Bustamante made a motion to move Item 6B to this slot on the agenda in order to facilitate and allow some in attendance to be able to leave the meeting at the conclusion of this item. Second by Vice Mayor Martinez.
Motion Passed 6-0 Item 6 B is moved to this slot on the agenda.

Item 6B- Interview Candidates for Vacant Council Position and Possible Action to Fill the Vacant Council Position. Vice Mayor Martinez asked if the candidates or council members were ok with the interviews in open session or would they rather have the interview in Executive Session.

Councilman Brewer stated he felt the interviews should be done in Executive Session to protect the candidates because he felt they would be discussing personalities. Mayor asked for suggestions Councilman Bustamante stated everyone knows each other so they should move forward. Both candidates Al Barcelo and Juan Ponce were ok with the interview being in open session. Mayor Armenta explained the council had a list of questions to ask the candidates.

The first candidate was Alvaro Barcelo. Mayor asked Alvaro Barcelo to tell the council about himself. Mr. Barcelo stated he has lived in the Town of Mammoth his whole life. He lives at 106 3rd Street and has two daughters and a son. He attended the University of Arizona where he earned a Bachelor of Science in administration. He worked for ASARCO for 26 years and retired. He was a private contractor for 35 years and is now working for ICE facility in Florence, AZ. Mayor Armenta asked his vision for the future of the Town of Mammoth. Mr. Barcelo stated he see the town as business and family friendly town. With better sewer, cemetery, library, streets, and a clean town with homes cleaned. Good parks

and baseball fields. A business-friendly atmosphere, more business means more families and better tax base and revenues. Councilman Brewer asked if he always followed all of the ethical rules and procedures of the town when he was on the council before? Mr. Barcelo stated of course he had the attorney present to advise them of the rules. It was his job to keep them in line. Councilman Bustamante Stated that due to the pandemic all levels of government are divided so it is hard for people to agree. He stated that we need more people on the Planning & Zoning Board. Mr. Barcelo stated he served 24 years on the city council and on every committee and two terms as mayor. Vice Mayor Martinez thanked Mr. Barcelo for his work on the council and his work to save the school. She asked if he learned anything when he was on the council in the past and is there anything he would do different? He stated no but that it is important to work together, and it is important to plan for the future, such as planning for the Highway Users Fund to plan for the streets that is not being done. Also, the franchise funds have issues. Councilman Bustamante expressed his concerns about population reductions and that it takes a long time to get the Covid funding. Mr. Barcelo stated he believes that we have to work together to clean up the town to attract more people to the town. He worked to get the Wasko Subdivision to attract more people. Councilman Bustamante also mentioned the Town purchased the sand and gravel for a future project.

Mr. Juan Ponce introduced himself, he was born in El Paso, TX, went to high school in Morenci and was in the Air Force for 8 years specializing in communications. He graduated from the College of Technology with an Associate of Science Degree. Worked for the Town of Mammoth as the Public Works Director for 11 years. I assisted in setting up the radio station on the hill. I worked to build up the Public Works Department into a very responsible department. He stated he was interested in the position to work with the council to improve the Public Works Department. During the time he was with the Town he was also the Parks and Cemetery Administrator. He obtained his certification in wastewater to assist the town to save money. He stated he feels he can help with the budget, utilizing property and wells. Vice Mayor Martinez asked what he would like to see different in the town in five years. He stated he would like to see the Town divided into departments and have all of the department heads be responsible reporting up the chain of command. The town has a good future with the grant for water and wastewater grant and everyone in Mammoth is going to benefit. Councilman Bustamante again expressed his concerns about population reductions and extended time to get Covid funding. Mayor Armenta asked Councilmen Brewer and Adams if they had any questions and both stated no.

Mayor Armenta asked if the Council was ready to go into Executive Session to discuss who they would appoint.

Motion by: Vice Mayor Martinez to enter Executive Session for Discussion of Candidates for 10 minutes at 7:30PM. In attendance is Councilmembers, Town Attorney, and Town Manager.

Second by: Councilman Martinez

Motion Passed Vote 6-0

EXECUTIVE SESSION

Call To Order: The Executive Session was called to order on April 15, 2021 at 7:30PM.

Roll Call: Present for the Executive Session was Mayor Patsy Armenta, Vice-Mayor Annie Martinez, Councilman Terry Adams, Councilman Joe Brewer, Councilman Ernest Bustamante, Councilman Michael Martinez, Town Manager John Schempf and Town Attorney Steven R. Cooper.

The administration for Executive Session was given to the Council.

The following candidates for Town Council were discussed:

1. Alvaro Barcelo
2. Juan Ponce

Legal advice was given on the appointment process.

The Executive Session was adjourned at 7:40 PM.

Motion by Vice Mayor Martinez to Resume Regular Meeting at 7:42PM
Second by Councilman Adams
Motion Passed Vote 7-0

Councilman Adams nominates Al Barcelo for a staggered term.
Second by: Vice Mayor Martinez

Roll Call Vote

Councilman Bustamante	NO	Councilman Brewer	NO
Councilman Adams	YES	Councilman Martinez	NO
Vice Mayor Martinez	YES	Mayor Armenta	YES

The Town Attorney Cooper explained that due to the tie the motion dies and they are free to make another motion.

Motion is Defeated Vote 3-3 Dies due to Tie.

Motion by: Councilman Brewer nominated Juan Ponce for a term of 2 years.
Second by Councilman Martinez

Roll Call Vote

Councilman Bustamante	YES	Councilman Brewer	YES
Councilman Adams	NO	Councilman Martinez	YES
Vice Mayor Martinez	NO	Mayor Armenta	YES

Motion Passed Vote 4-2

Juan Ponce is given the Oath of Office by Attorney S. Cooper at 7:50PM.
Councilman Ponce will serve from April 15, 2021 to November 2022 Election Cycle.
Congratulation to Councilman Ponce who is now seated at the Council Table.

Councilman Ponce is seated on the council.

5. CONSENT AGENDA

- A. Approval of Mayor signature "Fair Housing Proclamation"
- B. Approval of New Agenda Action Form
- C. Staff Recommendations and Reports
 - ~~Town Clerk/Treasure Report~~
 - ~~Police Report~~
 - ~~Public Works Report~~
 - Library Report
 - Planning and Zoning Report
 - ~~Town Managers Report~~

Vice Mayor Martinez made a motion to approve the consent agenda pulling the Police, Public Works, Town Clerk and Managers Reports for presentation. The motion was seconded by Councilman Adams. Vice Mayor Martinez also thanked Ms. Sanchez for her work on the new Action Agenda Forms.

- D. APPROVE ACCOUNTS PAYABLE For Payment and Filing

- E. APPROVAL OF MEETING MINUTES
Regular Meeting March 18, 2021

Motion to Accept Consent Agenda as stated with oral reports pulled.

Motion by Vice Mayor Martinez		Second by Councilman Adams	
Councilman Bustamante	YES	Councilman Brewer	YES
Councilman Adams	YES	Councilman Martinez	YES
Councilman Ponce	YES	Vice Mayor Martinez	YES
Mayor Armenta	YES		

Motion Passed Vote 7-0

POLICE REPORT-CHIEF LUJAN-Statistical Report for March 1-31, 2021

Animal Control was down here last week and picked up several stray dogs. People have been calling wanting to know if we have seen their dogs. We purchased more bullets for more training. We have seen what is going on in the big cities and do not want to see that here. We are doing a lot of Taser and weapon training. We had one homicide and the suspect has been indicted. We processed and carried out two search warrants. We would like to thank Pinal County for their assist. We have opened the police department and are awaiting the new fingerprint machine which should be here in just a few days. This will allow us to identify subjects quicker through the technology of these new devices. It will also make it easier and more efficient for our officers and the public needing to have their fingerprints done for various reasons. On April 24 we will be having another drive up and drop off old medications. Talking with Marana PD on the possibility of getting two cars for \$1000. This is good for us. These already have lights, radios, and cages which will save us money, and it saves Marana from having to tear down all this before action. Great Deal for all. Vice Mayor Martinez issues request for Town Manager to use Purchasing Power and Ratify purchase at following meeting. This way we do not miss the deal and we can place it as an agenda item to Ratify by Council.

Motion to Accept Police Report.
Motion by Vice Mayor Martinez
Motion Passed Vote 7-0

Second by Councilman Martinez

PUBLIC WORKS REPORT-B HERNANDEZ- Report for March 2021

Pressure Tank #1 on Old Hwy 77-tank lost air and filled with water which had to be drain off. Restart and no problems since March 20th. On the 23rd, Pressure Tank #2 Restored water to 3 homes, with new pumps installed, water pressure is up from that Tank. April 1, working with DEQ on completing a shelter for the new pumps. We are looking at the most efficient way to cover this. CFS who comes and get our scrap metal, picked up the old pressure tank and meters, than made four more loads from the Scrap Metal Yard. He picks this up and splits the gains 50/50 with the Town of Mammoth.

There was some discussion on the idea of Town of Mammoth taking the scrap themselves and collecting 100%, however that would not be a possibility at this time and Public Works made strong points as to why that would not work at this time.

Vice Mayor Martinez would like bids to go out as we close in on the end of the fiscal year and consider budgeting this item for the coming fiscal year.

Councilman Adams suggested checking several yards for pricing and clean vs dirty metal.

Motion to Accept Public Works Report
Motion by Vice Mayor Martinez
Motion Passed Vote 7-0

Second by Councilman Martinez

TOWN MANAGERS REPORT-J SCHEMPF-Manager Report for March 2021

First wanted to express how impressed he was with the way this small town came together with its couple stores (who donated so much) to help those suffering from the Dudleyville Fire. It makes me feel good to be associated with a town that would do all that.

There was a short discussion on the possibility of leasing vehicles which may in future costs benefit the town's budget. Currently we purchase, we equipped, we buy parts, we repair, etc.... Every 3 years you get a new vehicle.

Short discussion concerning moving the scrap yard over to the Sand and Gravel Yard. The reason being that in the current yard when it is time to load scrap PW must construct a large ramp for the machinery to be able to dump in the trucks. Also during this time the road in front of the Soft Ball Field and Across the Wash is closed to the Public. Then we have to tear it down again. If we make a ramp at the S&G it would be semi-permanent and would take less time to complete the transfer process without closing the roadway.

Motion to Accept Town Manager Report
Motion by Vice Mayor Martinez
Motion Passed Vote 7-0

Second by Councilman Martinez

TOWN CLERK REPORT-ANGELA SANCHEZ Report for March 2021

Sexual Harassment training for all employees has been completed, there are still a five employees that were not here and we will complete those as well as a one hour training for supervisory staff on how to handle complaints of this nature. We are still working on Accounting Policies and Procedures. We had 10 business apply for the Covid Aid to Businesses and we are working with these to find out what their awarded amounts will be. Concerning the Margo Fire, I was super impressed by the Council, the way you all come together to help with the people and donations. We come here and we have disagreements but the way you all came together in response to this was impressive. CARHA will be tomorrow, myself and another staff member will relay the applications. I went through the shut of list and contacted all those on that list to come and apply. They will be helping residents with Utilities, Rent, and Weatherization. We also contacted animal control to setup some type of IGA with them. They want to work with us, they sent 3 officers down last weekend and picked up 7 strays. For the next few weeks until we get a working IGA they will be sending people to do stray sweeps and micro chipping of dogs for free.

Motion to Accept Town Clerk Report
Motion by Vice Mayor Martinez
Motion Passed 7-0

Second by Councilman Adams

6. SPECIAL BUSINESS

A. COUNCIL TO RECOGNIZE LOCAL BUSINESSES FOR ASSISTANCE TO RESIDENTS DISPLACED BY THE MARGO FIRE (DUDLEYVILLE) DISCUSSION ONLY-STAFF DIRECTIONS

All our Businesses are dealing with problems due to covid and yet they all stepped up and put Community First, and when asked they all put out help without questions. Not just one night but the entire weekend. The Council asked that staff prepare Certificates of Recognition for the businesses that participated. Town Manager stated he spoke to the Miner and they are going to come down to take pictures for an article in the Miner.

B. THIS ITEM WAS MOVED TO AGENDA SLOT 4 CONTINUED, AT COMPLETION OF CALL TO THE PUBLIC.

7. OLD BUSINESS

A. COVID – 19 ITEMS: CONSIDERATION AND APPROVAL OF: (TAKE ONE AT A TIME)

1. MASK POLICY
2. TOWN HALL
3. LIBRARY
4. COMMUNITY CENTER
5. PARKS AND FIELDS

The Town Manager stated that the Town has increased in cases from 10% to 13%. Councilman Adams stated that he spoke with Pinal County and that he was told the number of cases has gone down. He also stated the Governor has lifted the mask mandate for the state. Vice Mayor Martinez stated that the council should modify the mask mandate. She also stated we should keep the masks for all town property but that the businesses should be allowed to decide for themselves.

Vice Mayor Martinez made a Motion is to Keep Mask Mandate in place for all Government Buildings Only and at Funerals while Public Works is at Grave Site Performing Burial. Let Businesses decide for themselves.

Councilman Brewer stated he thinks the mask should remain in place for now to prevent the spread of COVID in our town. Councilman Bustamante stated we should keep the masks because it is too soon and should continue as it is.

Mayor Armenta ask for a vote on the motion by Vice Mayor Martinez

Second by: Councilman Ponce

Councilman Ponce withdraws his second, misunderstood motion made.

Mayor Armenta makes the second

ROLL CALL VOTE

Councilman Bustamante	NO	Councilman Brewer	NO
Councilman Adams	YES	Councilman Martinez	NO
Councilman Ponce	NO	Vice Mayor Martinez	YES
Mayor Armenta	YES		

Motion Defeated Vote 4-3

Vice Mayor Martinez asked if the town could arrest anyone not wearing a mask. Town Manager stated that the Town does not have the resources to do that. There was more discussion, Councilman Martinez made a comment in Spanish and Vice Mayor Martinez asked him not to speak Spanish during the meeting.

Vice Mayor Martinez made a motion to Remove Mask Mandate Altogether

Motion by: Vice Mayor Martinez

Second by: Councilman Adams

ROLL CALL VOTE

Councilman Bustamante	NO	Councilman Brewer	NO
Councilman Adams	YES	Councilman Martinez	NO
Councilman Ponce	NO	Vice Mayor Martinez	YES
Mayor Armenta	NO		

Motion Defeated Vote 5-2

Councilman Brewer made a Motion is to Keep Mask Mandate in effect as is:

Motion by: Councilman Brewer

Second by: Councilman Martinez

ROLL CALL VOTE

Councilman Bustamante	YES	Councilman Brewer	YES
Councilman Adams	NO	Councilman Martinez	YES
Councilman Ponce	YES	Vice Mayor Martinez	NO
Mayor Armenta	NO		

Motion Passed Vote 4-3

This will apply to the Town Hall, Police, and Library as well. As far as the Community Center goes, we will be opening it for rental as of May 1, 2021. But it will be the responsibility of the person renting the center to insure that all attendees wear their masks. Town Clerk stated that a bid was posted and only one bid was received for \$200 which is excessive. We can have our staff clean and we could charge a \$100 Non-Refundable Cleaning Deposit so that our staff may go in afterwards and sanitize the Center prior to renting it again. Discussions include the idea that those renting should not have to wear masks. However, the mandate passed and there are no exceptions. Vice Mayor Martinez was concerned about people renting the community center for graduation if they have to wear a mask.

Vice Mayor Martinez made a motion that since everyone wants to keep the mandate in place and no one outside this council wants to follow it, then just keep it closed and let them take their money somewhere else. That should also apply to Ball Fields and Pool. We also need to have enforcement.

Motion by Vice Mayor Martinez

Second by Councilman Adams

ROLL CALL VOTE

Councilman Bustamante	NO	Councilman Brewer	NO
Councilman Adams	YES	Councilman Martinez	NO
Councilman Ponce	ABSTAIN	Vice Mayor Martinez	YES
Mayor Armenta	NO		

Motion DEFEATED Vote 4-2-1

Vice Mayor Martinez asked the Town Attorney Cooper if everything is still closed. Attorney Cooper stated that the mandate is still in effect. The Ball Fields and Pool will ask for continued social distancing and the wearing of masks when congregating. All users of the Ball Fields and Pool will do so at their own risk.

8. NEW BUSINESS

A. Discuss and Provide Direction to Staff Regarding Animal Control Services and Enforcement Options

A. Sanchez states that we are currently in discussion with Pinal County Animal Control putting together an IGA for services. Until that IGA is ready they will work with us and are offering to come and sweep the town once a week and offer micro chipping for free once a week. This IGA would also include the Town of Kearney and we would split the costs and fees with them, and this should be a small flat rate fee that we will split with Kearney. Council has directed staff to continue with discussion and IGA with Pinal County Animal Control. Councilman Brewer asked about funding from Animal Control for fencing for animals. Staff stated they will investigate.

B. Consideration and Possible Action to Advertise and Hire Assistant Pool Manager.

Vice Mayor Martinez states that since the mask mandates are still in place the pool is still shut down, we do not need to discuss this.

J. Schempf states the direction of Council was to get Certified, get lifeguards and open the pool. That is what we are doing.

Councilman Adams states that you cannot open the pool if you must wear masks.

(There was discussion by some members that the mask mandate is essentially shutting the town down for business.) The comment was again made that if you are shutting the town down shut everything down.

J. Schempf states that we are not shutting down the town.

S. Cooper states that it is the understanding that this mandate is in place for inside buildings and outside is a different matter. Also the rules had been slightly modified for the parks.

Vice Mayor Martinez states that this is not true and that the mandate is just not enforced at the parks or outside.

Town Recorder states that the restrictions for parks were modified to entail signage that stated the use of town parks and/or fields are to practice social distancing and were to be used at the user's own risk.

Motion is to advertise and hire an Assistant Pool Manager

Motion by Councilman Brewer

Second by Councilman Martinez

ROLL CALL VOTE

Councilman Bustamante	YES	Councilman Brewer	YES
Councilman Adams	NO	Councilman Martinez	YES
Councilman Ponce	YES	Vice Mayor Martinez	NO
Mayor Armenta	YES		

Motion Passed Vote 5-2

Note: J. Schempf will function as Pool Operator and A. Sanchez will oversee the Manager Position and we are looking at opening the pool in about the middle of May.

Vice Mayor Martinez would like to know if we need to have a special meeting to reopen the pool as she believes the minutes of October 2020 reflect that the pool is closed and no action was taken concerning the pool and the mask mandate.

Response was that the minutes reflected the fact that the pool was closed due to out of season and not the Covid 19 closure. There would be no need for a special meeting. The understanding is that the pool will open on or about May 15th if an Assistant Pool Manager has been hired.

Councilman Bustamante states that the mask mandate applies to enclosed areas, Outside which would include parks and the pool would adhere to social distancing and signage.

Vice Mayor Martinez suggests that if the pool is opened that all CDC Regulation are followed to the letter and 6 distancing in waiting lines, all masks worn when not in the water and if these are not

followed exactly with hand sanitizers and all CDC requirements that the pool be shut down immediately.

Councilman Brewer suggests that this placed on the May agenda for discussion and amend the opening date to about the 26th of May. Mayor Armenta directs staff to do so.

J. Schempf made the suggestion that since emotions are running high at this time, that maybe we should adjourn and discuss the final 2 matters at the next meeting.

Mayor Armenta Agrees and directs staff to reschedule these items on future agendas.

C. Discussion Consideration and Possible Approval of Developing and Filling a Code Violation Arbitrator Position.

D. Budget Discussion Information
FY 2020
EXCISE TAX STATUS
FOOD TAX
FY 2022 BUDGET UPDATE
CAPITAL IMPROVEMENT PROJECTS
FIVE-YEAR PLAN
GENERAL PLAN

9. Mayor and Council Comments

Councilman Ponce: Thanks the council for their appointment, professionalism and care concerning the Town of Mammoth.

Councilman Bustamante: Would like to see more people sign up for Parks and Recreation as well as Planning and Zoning, we need to get more people involved.

Councilman Brewer: Would like to thank all those who gave their time to help the residents of the Margo Fire. You all did a fantastic job. Made apology to Vice Mayor for a comment he made.

Councilman Adams: Everyone has a right to their opinions and beliefs, but for the life of me I cannot understand why 4 councilman and the town manager would want to make people wear these stupid masks. Spoke to the League of Cities and Towns who stated that you can regulate the masks for government agencies but with Gov. Ducey's orders and that is as far as your power goes. For some reason people want Mammoth shut down I don't understand that, but if that is what you want then we should not open the Community Center or the Pool. We need to have a cop on every corner. I will wear a mask in a government building but that is it.

Vice Mayor Martinez: would like to continue with Councilman Brewers Comments concerning those who came to help with the Margo Fire Residents. We still have people calling in wanting to donate and we have a lot of donations still here. Maybe Public Works can take another load of donations to Dudleyville. I am very proud to be part of this council and the way we mobilized and got things ready. I want to thank the police officers who stayed all night. All the council members who stayed and gave their time. We have instructed all those wishing to donate cash to do so at the Police Department so that those donations can get to those who need it most. Some lost everything. Comments that all Councilmember should adhere to the Town Code of Ethics. Some discussions may become heated and disagreements will be found, but above all is Respect for each other and the Positions we were elected to.

10.

Adjourn

Motion is to adjourn meeting at 9:23 PM

Motion by: Vice Mayor Martinez

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 April 15, 2021. I further certify that the meeting was duly called and held.

A handwritten signature in cursive script that reads "Angela Sanchez". The signature is written in black ink and is positioned above the printed name.

Angela Sanchez, Town Clerk