



## TOWN OF MAMMOTH MINUTES OF A SPECIAL MEETING OF THE MAMMOTH TOWN COUNCIL October 4, 2021

Minutes of a Regular Meeting of the Mammoth Town Council  
On October 4, 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 adhering to Social Distancing Measures.

1. **CALL TO ORDER** – This meeting was called to order at 7:02 PM Mayor Armenta
2. **PLEDGE OF ALLEGIANCE** Mayor Armenta
3. **ROLL CALL**

### PRESENT MEMBERS

Mayor Armenta  
Vice Mayor Martinez  
Councilman Bustamante  
Councilman Adams  
Councilman Brewer  
Councilman Ponce

### PRESENT STAFF

Attorney S Cooper  
Town Manager J. Schempf  
Town Clerk A. Sanchez

### ABSENT MEMBERS

Councilman Martinez

Motion to excuse Councilman Martinez who is out of town.

Motion by Vice Mayor Martinez

Second by Councilman Adams

Motion Passed VOTE 6-0

### 4. New Business

#### A. Discussion and Possible Approval of Request for Variance for Oversized Headstone Submitted by Ramona Curry

**Councilman Brewer** are we going to do this every other month? Just a couple months ago someone wanted a variance to make it bigger. If we continue pretty soon, we're not going to have any equipment to move the headstones and we will be responsible if they get broken. There is a huge stone that was given just before the town clerk left. I don't believe we should be doing that because everybody wants a bigger headstone it's going to be a snowball effect.

**Councilman Ponce** I agree when I was with the town this was a huge problem. I went up to the cemetery. They are asking for two inches and I don't think this one will take any special work according to where it is located. He asked if the town still has the special equipment to move the headstones. Staff was unsure and will inquire.

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

**Town Clerk** explained that this request was made because the family ordered the headstone and was unaware of the size restrictions. The stone has already been cut so they are just waiting to put the lettering on. She stated that this issue occurred because the grandfather purchased the plot many years ago and was informed at that time. However, he did not recall and this is why we are here. We have made changes to address this issue. We will be giving the headstone information when the customer schedules the funeral service so as to remind them of the requirements.

**Vice Mayor Martinez** stated that we should approve the request because it is only two inches and this is a grieving parent. The liability to the town is minimal.

**Councilman Bustamante** stated that since we are changing our process to address this problem in the future. We should approve this request given the situation. This is a variance and it exceeds the maximum requirements and as long as they sign something stating they understand that we are not liable.

**Councilman Adams** we should come back to the council to amend the code. I went up to the cemetery and there are 47 headstones that exceed the limit. There is one that is forty-four inches and most of the military are thirty-one inches. We have allowed it in the past. There are a variety from very tall crosses and Virgin Mary that are taller than the requirement. This has to be addressed on a case-by-case basis.

**Town Clerk** reminded that our Public Works has to move the stones for funerals so we want to make sure they are not too large to do that safely without damaging the stones. Staff agreed to bring this issue back to the council to address the current requirements.

**Motion to approve Variance for Oversized Headstone Submitted by Ramona Curry**

**Motion by Vice Mayor Martinez**  
**Motion Passed VOTE 6-0**

**Second by Councilman Adams**

**B. Discussion and Possible Approval to Award Contract for Services of Pool from Oct. 1, 2021 to May 1, 2021**

**Vice Mayor Martinez** stated that she thinks we should award the contract to Pablo Rodriguez because he is the only one who submitted a bid and he has done a lot for the town. He does a good job.

**Councilman Bustamante** asked what we have done in the past budgetarily.

**Vice Mayor Martinez** stated that the Sea Lion's use the pool until the end of October and it was only shut down for two months because they were back in there in January. Now we need to have someone monitor it until we open it next season.

**Pablo Rodriguez** spoke, in the last meeting I expressed that I was not interested in taking care of the pool and I wasn't. But I do care about the town and this pool. I have gotten my grade two water distribution and water treatment. I have discussed with the Town Clerk about it and I am willing to get my Certified Pool Operator certification renewed before the pool season to help out the town.

**Vice Mayor Martinez** asked if Pablo was interested in having the town pay for his CPO certification and be on contract with the pool for a year. Pablo stated that he is not interested in that at this time.

**Motion to Award Contract for Services of Pool from Oct. 1, 2021 to May 1, 2021**

**Motion by Vice Mayor Martinez      Second by Councilman Adams**  
**Motion Passed VOTE 6-0**

**C. Consideration and Possible Approval to Award Contract for Service of Heavy Equipment to Jimmy Sedillos**

**Town Manger** explained that he requested an estimate from Caterpillar these states for three pieces of equipment but we have five. This is a lot of money and this is just for maintenance not to repair the damaged equipment that we have due to lack of routine maintenance. Also they charge \$185 an hour and it is from port to port.

**Jimmy Sedillos** explained he is originally from Silver City New Mexico. I work for different kind of companies as heavy equipment mechanic. I am skilled at fixing heavy equipment, rebuilding transmissions, I worked on paving equipment, grinding machines. I was a mechanic for the open pit working on those big trucks. I also worked in the smelter truck shop I also worked with a caterpillar where I worked troubleshooting engines and hydraulics. I also worked on the ambulances and fire trucks. I have experience troubleshooting, welding, repairing and rebuilding heavy equipment. The truth is your equipment needs a lot of work and I think I can fix it up for you guys. I have my own truck and tools to complete the job. I saw that there are a bunch of hydraulic leaks and equipment is leaking pretty bad. Your equipment needs a lot of attention. I am skilled at rebuilding many of these parts to save your money. You can order the parts or I can get the parts if it's cheaper because I know where to find them.

**Vice Mayor Martinez** asked how many hours would you charge to service a PM2 new piece of equipment. Mr. Sedillos stated it depends on what you need him to do? Vice Mayor Martinez stated she needed a number of hours to compare to the estimate provided by Caterpillar. We have a PM schedule from Caterpillar in a contract format with exactly how much they will charge for each service. We only have a piece of paper from Mr. Sedillos with his hourly rate. So, we have no way to compare the two bids. Mr. Sedillos's bid is a shot in the dark on how much he will be charging for any given service. So, I ask how much time would it take to service a backhoe 916B, just routine maintenance? Mr. Sedillos stated he felt, to do a full service to check everything would be about 8 hours it depends on what's needed.

**Vice Mayor Martinez** stated that at that rate Mr. Sedillos would only be \$100 difference from Caterpillar. She stated that this seems rushed and without an apples-to-apples bids we can't compare the bids. She also asked Mr. Sedillos if he provides a warrantee on this work as that was not listed in the bid? Mr. Sedillos stated he would warrantee is work.

**Councilman Bustamante** explained that there is no way to give us an apples-to-apples comparison because our equipment is in such bad shape. Also, he lives in this area and is available to us when we need him and that is a benefit that can't be measured in this contract.

**Councilman Ponce** stated that we need to make sure if we are starting a job, we need to finish it before we start working on something else.

**Councilman Adams** stated that due to the age of our equipment we may not be able to get parts for some of this equipment. At what time do we decide when to get rid of something or continue to spend money on something that is not worth it. We need to know what we have, a list of equipment with the year and when it was last serviced so we know what we have to work with. I agree with the fact that if we properly maintain our equipment, it will last us must long. So, we have to figure out where we are so we can figure out what we need as far as service is concerned. I think Mr. Sedillos misunderstood what he was being asked but there is a lot of work involved depending on the condition of our equipment eight hours might not be enough.

**Vice Mayor Martinez** asked Counsel Steve Cooper, for item #C can we tweak the motion to have him evaluate the equipment for the \$125 per hour? Mr. Cooper stated that yes, we can do that but if you approve this contract today you will have a reliable mechanic on staff and the Town Manager and Town Clerk will be monitoring what service is being done to ensure the Town is getting the best service available at a reasonable cost. You could approve the contract and have the town clerk and town manager draft a new contract that includes a warrantee with the attorney's approval. Vice Mayor Martinez made a motion to approve the contract and have the town clerk and town manager draft a new contract that includes a warrantee with the attorney's approval.

**Councilman Ponce** asked is this a contract for service or repair, because before we service this equipment it all needs to be repaired?

**Councilman Brewer** stated that we don't know what's wrong until he checks the equipment out. He says very clearly that he will be purchasing parts.

**Vice Mayor Martinez** stated she agrees that we need to figure out what we need and go from there. She withdrew her motion.

**Motion to table this item until October 21<sup>st</sup> meeting to allow the town manager, Mr. Ponce, Mr. Brewer, and Mr. Adams can go down and see what we are dealing with and draft a better contract.**

**Motion by Vice Mayor Martinez                      Second by Councilman Adams**  
**Motion Passed VOTE 4-2**

**D. Consideration and Possible Approval to Sign Arizona Opioid Class Action Lawsuit Settlement Agreement**

Presentation by legal counsel Steve Cooper, this is a nationwide class action lawsuit by the State of Arizona against the manufacturer of opioids. The proceeds of the settlement will be divided up with 44% going to the State of Arizona and 56% going to local governments based on population. There is a requirement that the funds must be used to combat the spread of opioid use, training to administer Narcan and DARE activities. We must sign this agreement and send it to the Arizona Attorney General's Office by Nov. 15<sup>th</sup> or we will not be included in the settlement. Any questions?

**E. Motion to Approval to Sign Arizona Opioid Class Action Lawsuit Settlement Agreement**

**Motion by Vice Mayor Martinez                      Second by Councilman Ponce**  
**Motion Passed VOTE 6-0**

**5. Mayor and Council Comments**

**Vice Mayor Martinez** stated that tomorrow is National Night Out and it would be nice if the council would show up to participate.

**Councilman Bustamante** stated it is unfortunate that what is going on in Washington with the Republicans blocking the debt ceiling and bills. The conduct of the representatives in Congress who should be representing the residents of the residents of Arizona.

**Councilman Adams** stated that he wanted to commend the representative for blocking the *current* plan to spend an enormous amount of money. If we can get a list of equipment as soon as possible. Town manger stated he has the list for him.

**Councilman Ponce** stated he is glad that we are finally getting our equipment fixed and we need a sign-out sheet to check on our equipment to record who is using the equipment.

**6. Adjourn**

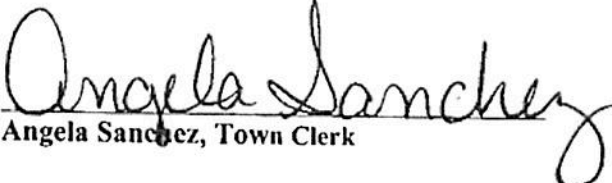
**Motion is to adjourn meeting at 8:13 PM**

**Motion by: Vice Mayor Martinez**

**Second by: Councilman Adams**

**Motion Passed Vote 6-0**

**I certify that the preceding is a true and correct copy of the Town of Mammoth Council Meeting held October 4, 2021. I further certify that the meeting was duly called and held.**

  
Angela Sanchez, Town Clerk