



**TOWN OF MAMMOTH
MINUTES OF A REGULAR MEETING
OF THE MAMMOTH TOWN COUNCIL
November 18, 2021**

**Minutes of a Regular Meeting of the Mammoth Town Council
On November 18, 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 7:05 PM Mayor Armenta**
- 2. PLEDGE OF ALLEGIANCE, Mayor Armenta**
- 3. ROLL CALL**

PRESENT MEMBERS

Mayor Armenta
Vice Mayor Martinez
Councilman Bustamante
Councilman Martinez (late)
Councilman Brewer
Councilman Ponce

PRESENT STAFF

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

ABSENT MEMBERS

Councilman Adams

A. Motion is to excuse Councilman Adams

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

Second by Councilman Bustamante

4. Call to the Public

A public body may make an open call to the public during a public meeting subject to a three-minute limitation to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of the call to the public individual members of the public body may respond to criticism made by those who address the public body. They may ask staff to review a matter or have the matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public.

Representative Neil Carter state representative for district 8 spoke. He stated he wanted to introduce himself and that he was appointed to take the place of the late Representative Pratt.

5. Public Hearing

Open Public Hearing at 7:12PM

Discussion to Determine if the Town of Mammoth Want Pedestrian Crossings Over/Under State Highway 77

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

Councilman Bustamante asked to ensure everyone signs into the public hearing. Councilman Bustamante explained that there is a great need for a pedestrian crossing over highway 77. He stated that we could make a case for a divided community by the highway. Councilman Brewer stated that there are overpasses in other communities such as Superior and Globe. It is important for the safety of our residents. Sharon Christensen stated that she had children and it is very dangerous when kids get off the bus to cross the highway. The town clerk mentioned the Little League and kids crossing the highway. Vice Mayor Martinez stated that this will have to be a cooperation between the town and ADOT. Steve Cooper, Town Attorney stated that there is funding available for transportation and there may be monies available. We might be able to rehab some of the drainage ways under the highway. Vice Mayor Martinez stated that we would need three crossings near the school, the old school and Circle K. If we could put a sidewalk, we would only need two. Drainage ways brings other problems when it rains. The town manger stated that ADOT does not like to make changes so it will take a lot of political support.

Motion to close the public hearing at 7:35

Motion by Councilman Bustamante

Seconded by Vice Mayor Martinez

Motion Passed Vote: 6-0

6. CONSENT AGENDA

ALL ITEMS SET FORTH BELOW ARE CONSIDERED TO BE ROUTINE MATTERS AND WILL BE ENACTED BY ONE (1) MOTION AND ONE (1) ROLL CALL VOTE OF THE TOWN COUNCIL. THERE WILL BE NO SEPARATE DISCUSSION ON THESE ITEMS UNLESS A COUNCILMEMBER SO REQUESTS, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED IN ITS NORMAL SEQUENCE OF EVENTS.

The mayor pulled the Town Clerk and Town Manager's report. Vice Mayor Martinez pulled the accounts payable report.

Motion to approve the consent agenda including staff reports and the minutes with the exception of the Town Managers, Town Clerk and accounts payable.

Motion by Vice Mayor Martinez

Seconded by Councilman Martinez

Motion Passed Vote: 6-0

John Schempf, Town Manager provided his report stating that he had submitted the bridge loan and is waiting for approval. He also stated he is working closely with the new mechanic to ensure the equipment is being repaired. We have a lot of issues with the loader, backhoe and dump truck. As a result, we have to prioritize and utilize a checklist for operators. He explained that the reason the lights were out on the highway was due to BIA issues.

Angela Sanchez, Town Clerk explained that the audit for this year is almost complete. Balance of water credit is \$3,44301 for overpayments. There is also approximately \$15,000 in former customer credits to track down. The grant from the casino came in at \$8,655.43 the mayor attended the awards banquet. The mayor was notified by Senator Kelly personally. Our grant application for the Congressional Direct Pending funds was approved for \$140,000 and will be funded sometime in January 2022 to purchase two new F-150's for our police department. ADOT notified us that they are releasing our excise tax funds that had been withheld in the amount of \$120,494.08.

Vice Mayor Martinez inquired regarding the accounts payable report. She asked why Dieserto Weed Control bill was so high this month. The town clerk explained it was a double payment for two months. She also asked about the fees from Wells Fargo and if we are looking for other options to reduce costs. The town clerk explained that that fee is paid completely by the customer in the amount of \$1.50 per

transaction. We have not looked for another company because we have all of our account with Wells Fargo and Caselle.

Motion to approve the town manager, town clerk and accounts payable reports

Motion by Vice Mayor Martinez

Seconded by Councilman Martinez

Motion Passed Vote: 6-0

7. OLD BUSINESS

A. Discussion and Action to Ratify the Mammoth Fire District Response Protocol

The town clerk explained that the changes requested were made and the protocol has been updated.

Motion to Ratify the Mammoth Fire District Response Protocol

Motion by Vice Mayor Martinez

Seconded by Councilman Martinez

Motion Passed Vote: 5-0

Councilman Ponce abstained

B. Discussion Regarding Community Clean-up Weed and Brush Event November 19th and 20th 7AM to 2 PM

The town clerk explained that there would be a free weed and brush day on Friday and Saturday the town will pick up one load curbside per household. Residents will also be able to drop off debris at the drop off site across from the softball field.

Discussion Only

8. NEW BUSINESS

A. Discussion and Possible Approval of Revisions to the Council Rules, Policy and Procedures and Code of Ethics

Motion to go into executive session for 15 minutes for legal advice

Motion by Vice Mayor Martinez

Seconded by Mayor Armenta

Motion Died Vote: 2-4

Vice Mayor Martinez stated a councilman had violated the council rules, policy and procedures. A point of order was raised by Councilman Bustamante. Steve Cooper, Town Attorney explained that this item was brought back because the council had planned to discuss penalties for violation. Vice Mayor Martinez stated a council member violated item 12 of the current council's code of conduct. Councilman Brewer stated that he has been charged but has not been convicted of anything. He also stated if he is convicted, he will resign from his position. Vice Mayor Martinez stated she reported an incident and nothing was done. Steve Cooper, Town Attorney explained he could not give a legal opinion on an item he had not seen. The town clerk suggested another work session to work through issues which as tentatively scheduled for Dec. 7, 2021 at 4PM.

Motion is to table this item until the council can review information provided by attorney

Motion by Councilman Martinez

Seconded by Councilman Ponce

Motion Passed Vote: 4-1

Mayor Armenta Abstained

B. Discussion and Possible Approval to Purchase Software License from Caselle for Direct Deposit for Town Employees

The town clerk explained that the employees have been asking for direct deposit and the cost would be \$2,410 to set up the process.

Motion to Approve the Purchase of Software License from Caselle for Direct Deposit for Town Employees

Motion by Councilman Ponce

Seconded by Councilman Brewer

Motion Passed Vote: 6-0

C. Discussion and Possible Approval to Bid up to \$15,000 for a Water Truck and \$5,000 for a Light Stick Pump and/or Welder at the September 8th at Richie Brothers Phoenix Auction

The town manager stated that the town is in dire need of a water truck for upcoming road projects and a light stick pump and welder to assist with upcoming water projects.

Motion to Approve to Bid up to \$15,000 for a Water Truck and \$5,000 for a Light Stick Pump and/or Welder at the September 8th at Richie Brothers Phoenix Auction

Motion by Councilman Brewer

Seconded by Councilman Ponce

Motion Passed Vote: 6-0

D. Discussion on Safety Parking Pull-out for Future Bus Service

Councilman Bustamante stated that we are in need of a bus stop for the elderly population. Also, the bus from the mine stops at Circle K and there is no space and it causes traffic issues. He stated for the record it must be for electric buses and cars so we can look to the future. Vice Mayor stated we also need to address school buses as well.

Discussion Only

E. Consideration and Possible Action to Draft Park Ordinance to Address: no alcohol in parks, establish a 5 AM to 10 PM hours of operation and no glass containers.

Vice Mayor Martinez stated that there have been complaints about parties in the park late at night and broken glass from alcohol. Also, people at the cemetery late at night drinking. By setting operation hours we will be able control when people are in the parks at night. If someone wants to sell alcohol, they will need to get a permit from the state liquor department. This will protect the town from liability. Requested staff post signage with hours and rules. Mayor Armenta stated we need to make sure that we make sure there is an opportunity to ask for exemptions for things like Día De Los Muertos and church fiestas if approved by the council.

The following items were to be included in the draft park ordinance:

Park Hours of Operations – 5AM – 10 PM (make allowances for seasonal changes)

No alcohol in parks unless they have a permit.

No glass containers in parks

All alcohol sales require a permit from the state.

Make allowances for special holidays like Día De Los Muertos and sunrise services

Motion to direct staff to draft a park ordinance

Motion by Vice Mayor Martinez

Seconded by Councilman Martinez

Motion Passed Vote: 6-0

F. Discussion and Possible Action to Appoint a New Vice Mayor

Vice Mayor Martinez asked why was the council appointing a new vice mayor. Historically the council only appoints a new vice mayor every two years and it has only been one year. Councilman Brewer stated it was because we need someone who will do the town's bidding not personal agendas, Vice Mayor Martinez asked to go on record "this is direct result of what is ongoing with Councilman Brewer in his personal statement this is a vendetta because he feels that I day something to do with his current criminal situation." Councilman Brewer stated that it was here-say. Steve Cooper, Town Attorney stated that if the council decides to, they would have to have two votes, one to appoint a new vice mayor and to nominate someone. The attorney stated that historically the mayor would nominate and the council would vote on it. It would take a majority vote of the council. Councilman Brewer stated that on February 21, 2019 at the council meeting there was motion to appoint a new vice mayor and it was voted on and this set a precedence. The attorney stated that to his knowledge the mayor would nominate and the council would vote. The attorney asked for clarification on the motion. New motion to appoint a new vice mayor and to appoint Councilman Bustamante. There was additional discussion and the mayor asked for a vote.

Motion to appoint a new vice mayor

Revised motion to appoint a new vice mayor and to appoint Councilman Bustamante.

Motion by Councilman Brewer

Seconded by Councilman Martinez

Roll Call Vote:

Councilman Adams-Absent

Councilman Brewer-Yes

Councilman Bustamante-Yes

Vice Mayor Martinez-No

Councilman Martinez-Yes

Mayor Armenta-No

Motion Passed Vote: 4-2

G. Discussion and Possible Action to Appoint a New Commissioners

Vice Mayor Martinez made a motion to go into executive session it was seconded by Mayor Armenta. The motion was defeated. The mayor asked the police chief to speak. He stated that he has no issues with the current commissioner and she has legal back ground and is a great advocate for the police department. Commissioners are for Public Works, Police, Planning and Zoning, Administration. Vice Mayor Martinez stated that according to the policy the mayor appoints commissions. Councilman Brewer stated that no council members have more power than another. The town attorney explained that in the current policy the mayor does appoint the commissions. Vice Mayor Martinez expressed that she feels that the other commissions with the exception of the mayor do not take their rolls seriously. She made a motion to do away with commissioners all together. The attorney stated we cannot act on the motion to do away with commissioners because it is not on the agenda. There are a few options, which is to table the item until the current policy is revised, follow the current procedures and the mayor can appoint, you can go back and revisit the issue. This is not good government the council needs to make a decision and not keep continuing it.

Motion to table

Motion by Mayor Armenta

Seconded by Councilman Martinez

Roll Call Vote:

Councilman Ponce-No

Councilman Brewer-Yes

Councilman Bustamante-Yes

Vice Mayor Martinez-No

Councilman Martinez-Yes

Mayor Armenta-Yes

Motion Passed Vote: 4-2

9. MAYOR AND COUNCIL COMMENTS

Councilman Martinez asked the council to bring and wear their council badges.

Councilman Bustamante stated we need to continue to focus on the infrastructure bill and thank those who voted for it.

Councilman Ponce stated he hopes Councilman Adams makes a quick recovery.

Councilman Brewer mentioned the construction of a catch basin from one end of the town to the other to control runoff and help with water issues.

Vice Mayor Martinez stated that she feels there is a big problem with councilman violating code of conduct and she has filed complaints with the mayor and town attorney and nothing has been done. She stated she will file a complaint with the Attorney General's Office and local County Attorney's Office. Conflict of interest and using your position for personal gain and the council is not taking these actions seriously.

Mayor Armenta stated that a split council does not allow us to accomplish anything. Also, she spoke with Senator Mark Kelly and invited him to come to meet with us.

The mayor drew the names for the free turkeys for the give-away the winners are as follows: Anna Esquivel, Lydia Castillo, Esther Castillo, Erica Durazo, Lee Taylor. Congratulations to the winners.

10. ADJOURN

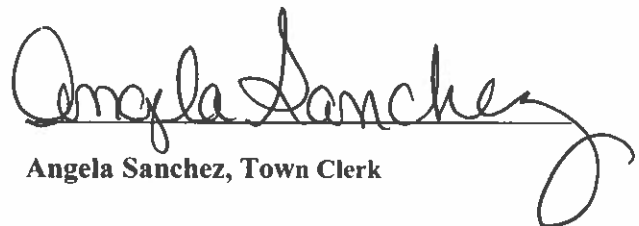
Motion to Adjourn at 8:57 PM

Motion by Mayor Armenta

Motion Passed Vote: 5-0

Seconded by Vice Mayor Martinez

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



Angela Sanchez, Town Clerk