



**TOWN OF MAMMOTH
MINUTES OF A REGULAR MEETING
OF THE MAMMOTH TOWN COUNCIL
January 20, 2022**

**Minutes of a Regular Meeting of the Mammoth Town Council
On January 20, 2022 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 adhere to Social Distancing and Masking Measures.

- 1. CALL TO ORDER – This meeting was called to order at 7:06 PM Mayor Armenta**
- 2. PLEDGE OF ALLEGIANCE J. Schempf**
- 3. ROLL CALL**

PRESENT MEMBERS

Mayor Armenta
Vice Mayor Bustamante (by Phone)
Councilwoman Martinez
Councilman Martinez
Councilman Brewer
Councilman Ponce

PRESENT STAFF

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

ABSENT MEMBERS

Councilman Adams

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.

Joe Arnold Estrada addressed the council to explain that he is interested in being reappointed as Magistrate for the Town of Mammoth and that if there are any questions, he is available to respond. He stated he has been the Magistrate for the town for 11 years.

5. 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

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

FROM THE CONSENT AGENDA AND CONSIDERED IN ITS NORMAL SEQUENCE OF EVENTS.

The mayor stated the Town Manager would give his report orally, but the Town Manager asked to wait until after the pool to give his report.

Motion to approve the consent agenda minus the Town Manager, Town Clerk, Police Chief's reports and Minutes for December 16th and approve accounts payable including staff reports, and Minutes for December 29th.

Councilwoman Martinez amended her motion to approve the consent agenda minus the Town Manager, Town Clerk, Police Chief's reports and Minutes for December 16th and Minutes for December 29th and approve accounts payable including staff reports.

**Motion by Councilwoman Martinez
Motion Passed Vote: 6-0**

Seconded by Councilman Martinez

The Town Manager John Schempf gave his oral report and stated that the bridge loan was approved. He stated he had met with the design firm working on the water project and received an update.

The Town Clerk Angela Sanchez gave her oral report. She informed the council of the status of the Congressional Direct Spending grant for the two patrol cars is awaiting approval of the final Federal Budget. As a result, the funds should be available sometime in April 2022. She also announced to the council that she is resigning from her position as town clerk to accept another offer of employment and that pending her two-week notice her last day with the town would be February 4, 2022.

The Police Chief Hank Mueller gave his oral report by reading a letter to the council regarding his background and record in law enforcement. He stated that this information was provided to the council in his hiring interview and was frustrated that it was being brought up again now. He stated that any notice of claim in any law suit in which he had been named he has never been found responsible in his entire law enforcement career. He also explained that no employer has been found responsible or had to pay out any judgement or settlement as a result of his actions. He stated he has documentation to support his statements. He stated that he currently has a defamation of character and slander case against a former Mammoth Police Officer whom he arrested. He has legal representation and is currently pursuing this issue due to inflammatory statement made about him by said officer. He stated that statement with regards to his issue have surfaced and urged the council to refrain from any further dissemination of these false statements.

Councilman Brewer stated that he would like to respond because his statements were directed at him. He stated that he was made aware of the information and took it to the Town Manager because it was the proper way to handle the situation so the Town Manager can investigate the claims made which is his responsibility.

Councilwoman Martinez stated that she appreciated his transparency during the interview and all council members were present and aware. This should not have come up again and that he has done a good job as Chief of Police.

The town clerk explained that in the Minutes for December 16th there were some errors that needed to be corrected because they reflect Councilman Martinez voting and he was absent so the changes will reflect that he was absent and did not vote for or against any motion in the minutes. Vice Mayor Bustamante

stated that his vote on item C was no and should be changed. The town clerk will make those changes. There was no change for December 29th minutes.

Motion is to accept the minutes for December 16 and 29 as amended

Motion by Councilwoman Martinez

Seconded by Councilman Martinez

Motion Passed Vote: 6-0

6. SPECIAL BUSINESS

Motion to go into executive session for 10 minutes at 7:36 PM.

Motion by Councilwoman Martinez

Seconded by Councilman Martinez

Motion Passed Vote:4-2

Motion to reconvene into regular session 7:46 PM.

Motion by Councilwoman Martinez

Seconded by Councilman Martinez

Motion Passed Vote:6-0

Mayor Armenta moved item 8.A up in the agenda.

8.A. Discussion and Possible Approval to Reappoint Joe Arnold Estrada as Magistrate for the Town of Mammoth

Councilwoman Martinez asked Mr. Estrada if the current process for arraignments was working for him. She also asked if he was holding his hearing in person or zoom. Mr. Estrada stated that the hearing was in person.

The Town Attorney Steve Cooper stated that the council must set the term as 2 year and set the salary or keep it the same.

Motion to appoint Joe Arnold Estrada as Magistrate for a 2-years term at his current rate of pay.

Motion by Councilwoman Martinez

Seconded by Councilman Martinez

Motion Passed Vote:6-0

The Town Attorney Steve Cooper swore in Joe Arnold Estrada as Magistrate.

6. A. Interview Candidates for Vacant Council Position/Consideration and Action to Fill the Vacant Council Position

The council interviewed Suzanne German and Joe Dietz for the vacant council position. No other candidates were present.

Motion is to appoint Suzanne German to fill the vacant council position

Motion by Councilwoman Martinez

Seconded by Mayor Armenta

Roll Call Vote:

Vice Mayor Bustamante

NO

Councilwoman Martinez

YES

Councilman Brewer

NO

Councilman Ponce

NO

Councilman Martinez

YES

Mayor Armenta

YES

Motion Failed Vote: 3-3

Motion is to appoint Joe Dietz to fill the vacant council position.

Motion by Councilman Brewer

Seconded by Councilman Martinez

Roll Call Vote:

Vice Mayor Bustamante YES

Councilwoman Martinez NO

Councilman Brewer YES

Councilman Martinez YES

Councilman Ponce YES

Mayor Armenta NO

Motion Passed Vote: 4-2

Councilwoman Martinez asked to go on record stating “the last time a council member was appointed we did not entertain candidates when Mr. Ponce was appointed because they had run in the last election and lost so to over ride the will of the people now is ridiculous.”

The Town Attorney Steve Cooper swore in Joe Dietz as council member. Councilman Dietz took his place at the table to participate in the meeting.

7. OLD BUSINESS

A. Requesting Reconsideration of Vote on item 9-B on December 16, 2021 Agenda

The Town Attorney Steve Cooper explained that Councilman Ponce contacted him that he wanted to reconsider his vote as he did not understand what he was voting on. Councilwoman Martinez asked for the reason for reconsideration. Councilman Ponce stated that he was having problems with his hearing so he did not understand the motion.

The town clerk read the original motion which was “keep all commissioners the same except to make Councilman Ponce the Public Works Commissioner and Vice Mayor Bustamante the Parks and Recreation Commissioner.

Motion to reconsideration of vote on item 9-B on December 16, 2021 Agenda

Motion by Councilman Ponce

Seconded by Councilman Martinez

Roll Call Vote:

Vice Mayor Bustamante YES

Councilwoman Martinez NO

Councilman Brewer YES

Councilman Martinez YES

Councilman Ponce YES

Councilman Dietz YES

Mayor Armenta NO

Motion Passed VOTE-5-2

B. Consideration and Possible Action to Approve Appoint New Commissioners

Councilwoman Martinez stated that according to town policy states that the Council must appoint qualified commissioners so she would like to know each person qualifications.

The Town Attorney Steve Cooper suggested that if the council would like to review qualifications that they table the item until the council has had an opportunity to do so.

Councilwoman Martinez asked Vice Mayor Bustamante what his qualifications are to be Police Commissioner. Vice Mayor Bustamante raised point of order and asked for a vote.

Councilwoman Martinez asked to go on record that Robert's Rules of Order states that there should be a motion, second and discussion before a vote," "She also asked to go on record that this was orchestrated by Councilman Brewer to side track the Police Department." "She also stated that she feels Vice Mayor Bustamante is not qualified and that she has multiple degrees in law enforcement and background serving with the Pinal County Sheriff's Department and Vice Mayor Bustamante did nothing when he was Police Commissioner before." Vice Mayor Bustamante asked the mayor to gavel her comments as they were untrue.

Motion to Appoint Vice Mayor Bustamante as Police Commissioner, Juan Ponce as Public Works Commissioner, Michael Martinez as Park and Recreation Commissioner and Mayor Armenta as Administration Commissioner.

Motion by Councilman Brewer

Seconded by Councilman Dietz

Amended Motion to Appoint Vice Mayor Bustamante as Police Commissioner, Juan Ponce as Public Works Commissioner, Michael Martinez as Park and Recreation Commissioner and Mayor Armenta as Administration Commissioner and Councilman Brewer as Planning and Zoning.

Motion by Councilman Brewer

Seconded by Councilman Dietz

Roll Call Vote:

Vice Mayor Bustamante YES
Councilman Brewer YES
Councilman Ponce YES
Mayor Armenta YES

Councilwoman Martinez NO
Councilman Martinez YES
Councilman Dietz YES

Motion Passed Vote: 6-1

C. Discussion and Possible Action to Revise Mammoth Fire Department Protocol

Councilwoman Martinez stated she feels that this issue needs to be discussed because there was a fire and the fire department did not handle it properly so it needs to be addressed to prevent further issues. Councilman Ponce stated he did not agree. The Town Clerk stated that town management sent a letter of concern to the Fire District and the Protocol has been amended temporarily until the Fire District Board can meet and discuss the issues.

Motion to table this item until the Fire District Board meets to discuss this item

Motion by Juan Ponce

Seconded by Councilwoman Martinez

Motion Passed Vote:7-0

8. NEW BUSINESS

B. Discussion and Approval of Emergency Purchase of Pump for Chlorinator for Well 5 in the Amount of \$6,942.35

Town manager explained that staff purchased 2 pumps one for well #5 and one to have on the shelf in case another one needs to be replaced.

Motion to approve emergency purchase of pump for chlorinator for Well #5 in the amount of \$6,942.35.

Motion by Councilwoman Martinez

Seconded by Councilman Martinez

Motion Passed Vote: 7-0

C. Discussion and Possible Approval of Request a Letter of Support from the Town Indicating the Importance of Broadband and Internet Services in the Community

Motion to approve Letter of Support from the Town indicating the importance of broadband and internet services in the community

Motion by Councilwoman Martinez

Seconded by Councilman Martinez

Motion Passed Vote: 7-0

D. Discussion and Possible Approval to Contract for Building Plan Review and Building Inspection Services with Aoka Engineering LLC

The Town Manger stated that we are currently receiving no revenue from the County for building permits. With this company we will receive 35% of the permit fees.

Motion to approve Approval to Contract for Building Plan Review and Building Inspection Services

Motion by Councilwoman Martinez

Seconded by Councilman Martinez

Motion Passed Vote: 7-0

E. Discussion of TextMyGov Communication Proposal

The Town Manger stated that this is a way to notify residents if there is a water leak or a fire but it is rather costly. He wanted the Council to possibly consider something similar in the future.

F. Discussion of New Cemetery Site and Discussion on Current Cemetery Status and Need to Find New Site and New Rules

Councilwoman Martinez stated that there is an issue with the cemetery filling up rather quickly because all of the cemeteries in surrounding towns are at capacity. We need to start looking at coming up with a new site for a new cemetery and also look at new regulations for the cemetery.

G. Discussion of Possible Concerns with Dual Office and Conflict of Interest

Councilwoman Martinez stated that the town policies can be stricter than the state on conflict of interest. She contacted the league and the policy states that if you have a substantial interest you cannot vote. Having a council member on the Fire District Board and making decisions regarding the fire district is in violation.

Town Attorney Steve Cooper explained that he has provided a legal opinion on this matter and it was provided to the council in a confidential packet.

H. Discussion and Possible Approval of Creating a Sign In/Out Log for Council Members Wishing to Speak with Town Manger/Town Clerk to Include Names, Time In/Out and Subject Matter Discussed to Include In-person and Phone Calls

Motion to go into executive session

Motion by Councilwoman Martinez

Seconded: No Second

Motion Died Due to No Second

Councilwoman Martinez stated that she feels this is important because council member is going into the Town Hall interrupting town staff from doing their work with personal issues. This is unprofessional and a misuse of town staff and resources. Vice Mayor Bustamante stated that this did not apply to him.

The town clerk explained that it is very difficult for staff to get their work done with numerous interruptions, but she is concerned that if a council member came to staff in confidence, it would be an issue and create more work for staff. The Town Attorney Steve Cooper stated that he has provided a legal opinion in the confidential packet to the council. Councilman Ponce stated he feels that there are times that he needs information from staff and that is part of being a council member. Council members should have access to staff within reason. The Town Clerk suggested that council members go through the mayor as she is the Commissioner for Administration.

Motion to approve Creating a Sign In/Out Log for Council Members Wishing to Speak with Town Manger/Town Clerk to Include Names, Time In/Out and Subject Matter Discussed to Include In-person and Phone Calls

**Motion by Councilwoman Martinez
Motion Died Due to No Second**

Seconded by: No Second

Motion to have council members direct their concerns to the mayor and she will go to staff with concerns.

**Motion by Councilwoman Martinez
Motion Passed Vote: 4-3**

Seconded by: Councilman Martinez

9. Mayor and Council Comments

Councilwoman Martinez expressed concerns about violations of open meeting law with council members discussing issues before the meeting.

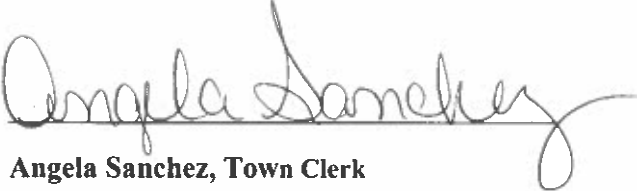
Vice Mayor Bustamante suggested that the people who are interested in being on the council might want to participate on the Planning and Zoning or Park and Recreation Boards for the town.

Motion is to adjourn meeting at 9:20 PM

**Motion by: Mayor Armenta
Motion Passed Vote 7-0**

Second by: Councilwoman Martinez

I certify that the preceding is a true and correct copy of the Town of Mammoth Council Meeting held January 20,2022. I further certify that the meeting was duly called and held.


Angela Sanchez, Town Clerk