

Town Of Mammoth

TOWN OF MAMMOTH

MINUTES OF A SPECIAL MEETING OF THE MAMMOTH TOWN COUNCIL MAY 19, 2022



These are the Minutes of a Special Meeting held by
The Mammoth Town Council
On May 19, 2022 pursuant to the notice required by Law.

1. CALL TO ORDER – This meeting was called to order at 6:00 PM Mayor Armenta.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL

PRESENT MEMBERS

Mayor Armenta
Vice Mayor Bustamante
Councilman Brewer
Councilman Martinez
Councilwoman Martinez
Councilman Dietz
Councilman Ponce

PRESENT STAFF

Attorney S Cooper
Town Manager J. Schempf
Town Clerk A. Sanchez (By Phone)
~~Police Chief Mueller~~
Librarian S. Christiansen

ABSENT MEMBERS

Councilman Dietz was Tardy 6:15pm
Councilman Ponce was Absent

Councilman Brewer Called a Point of Order: (Summarized)

6.1 of the Town of Mammoth Rules and Regulations states A Regular Meeting is held on the third Thursday of the month at 7:00

6.4 A Special Meeting the Council may hold a Special or Emergency meeting as deemed necessary.

Answer: This meeting although held on the third Thursday of the month was deemed to be a Special Meeting because (1) it began ant 6:00PM and (2) it is Graduation time. This was done at the request of the Mayor and the Attorney.

Councilman Brewer also states that the agenda packets are to be ready for pick up on the Friday prior to the meeting as cited in 6.8 and this is why the meeting was called a Special Meeting.

Answer: Again the reasons for this were previously discussed.

Councilman Brewer also questioned the movement of meetings back to the Town Hall Chambers which he requested to be on this agenda from the last meeting.

Answer: You must not have read the agenda, the agenda item is listed for a motion to return to Chambers.

Attorney addresses Council: I think we need to follow our agenda. These kind of comments should be reserved for Mayor & Council comments at the end.

4. PUBLIC ANNOUNCEMENT: MAMMOTH EMPLOYEE OF THE QUARTER IS LUCY MORENO
5. 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

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

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.

DENNIS OSWALD 713 N TIGER DR. Noise Complaint Please address issue of loud music all hours of the day and night.

6. **CONSENT AGENDA**

A. **APPROVAL OF STAFF RECOMMENDATIONS AND REPORTS**

1. **TOWN MANAGER REPORT (SEE ITEM 11-A)**
2. **TOWN CLERK/TREASURES REPORT**
3. **POLICE REPORT**
4. **PUBLIC WORKS REPORT**
5. **LIBRARY REPORT**
6. **PLANNING AND ZONING REPORT**

B. **APPROVAL OF ACCOUNTS PAYABLE FOR PAYMENT AND FILING**

1. **APRIL 2022**

C. **APPROVAL OF MEETING MINUTES**

1. **REGULAR MEETING OF APRIL 21, 2022**

MOTION TO APPROVE CONSENT AGENDA ITEMS A, B, AND C.

MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN MARTINEZ

MOTION PASSED 6-0

7. **MAYOR ARMENTA HAS PAUSED THE REGULAR MEETING OF THE COUNCIL AT 6:19 PM**

8. **MEETING OF THE TOWN OF MAMMOTH MUNICIPAL PROPERTY CORPORATION**

1. **CALL TO ORDER AT 6:19 PM**

2. **ROLL CALL**

P. Armenta
E. Bustamante
J. Brewer
A. Martinez
M. Martinez
J. Dietz
J. Ponce

Attorney S Cooper
Town Manager J. Schempf

ABSENT MEMBERS
J. Ponce was Absent

3. **NEW BUSINESS**

A. **APPROVE RESOLUTION FOR \$500,000.00 LOAN FROM USDA**

J. Schempf--I checked back on our minutes and we did something similar about three months ago. But, it may be that USDA requires another confirmation, I don't know. But this is for paying off the bridge loan that we got back at the end of December. And we've already spent \$493,000 on that \$500,000. So when we get this loan, we can pay that one off with minimum interest. I would ask that you approve and sign these documents

A. Martinez--So can we just alter this to say I make a motion that we approve one loan for \$500,000 from the USDA? My concern is that, we've already approved a \$500,000 loan and if we approve another one, now we the council have effectively approved you taking out two loans for \$500,000 versus one loan. Does that make sense?

S. Cooper—Mayor, council members, perhaps you could ratify the prior actions of one loan for \$500,000 for growth developments. I believe in the documents for this loan the repayment is \$1440.00 per month. This one we talked about several meetings and when we get the grant and everything else done this is basically what we will be repaying over a 35 year period.

**THIS IS A MOTION TO RATIFY THE ORIGINAL APPROVAL OF THE \$500,000.00
LOAN FROM USDA.**

**MOTION BY A. MARTINEZ
MOTION PASSED 6-0**

SECOND BY M. MARTINEZ

- B. RECEIVE UPDATE ON THE WATER RIGHTS PROJECT BY ATTORNEY
S. COOPER**

MOTION TO MOVE THIS ITEM UNTIL AFTER ITEM 12L

MOTION BY A. MARTINEZ

SECOND BY M. MARTINEZ

MOTION PASSED 6-0

- 4. ADJOURN MEETING OF THE TOWN OF MAMMOTH MUNICIPAL PROPERTY
CORPORATION @ 6:22 PM**

**MOTION BY A. MARTINEZ
MOTION PASSED 6-0**

SECOND BY M. MARTINEZ

- 9. RESTART THE MEETING OF THE TOWN OF MAMMOTH COUNCIL @ 6:22 PM**

- 10. EXECUTIVE SESSION CONCERNING WATER PROJECT HAS BEEN MOVED TO
AFTER NEW BUSINESS ITEM 12 L**

MOTION BY COUNCILWOMAN MARTINEZ

SECOND BY VICE-MAYOR BUSTAMANTE

MOTION PASSED 6-0

- 11. OLD BUSINESS**

- A. TOWN MANAGER TO REPORT ON THE FOLLOWING STATUSES J. SCHEMPF**

- 1. SWIM SEASON –**

We have a pool manager. She is in training as we speak. The concern is a pool operator. Pablo's contract ends the first of June. So we need to think about renewing that. But at the moment, he is not a certified pool operator either. We cannot open without a certified pool operator. So I'm hoping that he gets his qualifications. The swim manager is Tracy Hahn. She's being assisted by several other folks that are pitching in to help her out. We'll all have to work to keep it going. But I'm pleased that she's starting at \$20 per hour. And again, it's only for a three month period. So we'll see how that all works out. So, we have an estimated date to open. But, it depends on having a certified pool operator. I'm hoping to have it open by the 27th which is Memorial Day weekend. But I can't promise that because we don't have a certified pool operator yet. (There was some discussion on making someone from public works certified and being able to open the pool from early May until mid-October, however, this was more a consideration for next year and the next budget cycle) As of today only 2 people have signed up for lifeguard positions, we do have advertisement for the position and are expecting more applicants.

- 2. TOWN CLERK POSITION –**

Well, as you know, we had interviews earlier this week, and we have a strong candidate. We have not yet discussed wages and hours. But this particular person has all the requirements for the financial end of it. But does not want to work 40 hours a week. But we also interviewed a couple other folks and I think one of them could be another person that could help out on the clerk type duties independently, but still report to the

town clerk and would be an assistant town clerk to take care of some of the clerk duties. We'll talk more on that as we get into the budget season.

3. FALLEN OFFICER MEMORIAL –

Just to let you know, Judge Lujan is on board with placing the memorial over near the town hall, rather than in the triangle. The Judge is quite happy with putting it over there, as are the police officers because we can train a camera on it and light it up at night. So, I think that actually might work out better in the long run. We are looking to put it in the general area, nearer the front door of a police station.

4. CDBG PROCUREMENTS –

I handed out this evening a couple of pictures. One is of the bleachers. We have ordered two of these 10 Row bleachers that are 27 feet long or there about, and they will go at the Little League Field. They're not cheap, but they're ordered and will be here shortly. The other item from CDBG is this generator, it's a mobile generator. Again, you have a picture here, it is a diesel. It is going to be parked at the booster station. But it is on wheels, so if we needed it at any of the wells, pumps or tanks, it will be available to move there. This is also a grant funded. The rest of that CDBG we're going to get more lights in the Ruiz Park. Three different lights, one to illuminate the playground area, another one at the basketball court and a third one to be inside the Ramada. Those will be paid for through the grant as well. And then we're also getting new air conditioners for the town hall, and a couple of under the sink hot water heaters. There's never been hot water in the town hall. These are COVID items, and that same grant is paying for some repairs to the pool. I tried to get the pool deck repaired, but I didn't have any luck, because that's not COVID related. But we are getting the filters today. Also we're purchasing a pool cleaner. That sounds like we're buying somebody but we're not we're buying a thing that you throw in the water in the evening and it works all night and you pull it out and put it back in his charging dock in the daytime and throw it back in at night. It's called a Dolphin, because it really does just kind of swim all over the pool.

5. COMMUNITY CENTER RESTROOMS –

The restrooms here, we had a plumber here today. He's given us the prices and we'll hire him to do this. I think he's out of Oracle. But he's going to fix the ladies room and he's going to put a urinal in the men's room. So, we're working on that one.

A. MARTINEZ QUESTION—speaking of the lighting from the CBDG are we also getting additional lighting for the playground area. “Yes, ma'am”.

About the bleachers, do you know, when they're coming in, there's several bleachers up there now that are in terrible condition. “They said they were being shipped on Monday, this coming Monday. But they're coming out of Florida, so probably via UPS or FedEx, it's on a ground freight truck? It has a couple of weeks, and they have to be assembled after they got here”.

Can you your guys do something more about the bleachers now, I know they have tape up there so people don't use them. But, kids keep ripping that tape down. Is there something else that we can put up there to keep people off of those bleachers that are broken? “Yes, ma'am, we will check into that”.

6. PUBLIC WORKS EMPLOYEE DISCIPLINE –

Disciplinary action was taken in regards to the call of the public issue a couple of months ago.

7. RETURN COUNCIL MEETINGS TO TOWN HALL –

The final item is to return to council meetings to town hall. And that I believe requires a motion which is the next item: Item B

B. DISCUSS AND APPROVE RETURNING THE COUNCIL MEETINGS TO TOWN HALL STARTING WITH THE JUNE REGULAR MEETING

MOTION IS TO APPROVE RETURNING THE COUNCIL MEETINGS TO THE TOWN HALL BEGINNING WITH THE JUN 16, 2022 REGULAR COUNCIL MEETING

**MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN BREWER
MOTION PASSED 6-0**

12. NEW BUSINESS

A. PRESENTATION BY MEQ-VERTICAL BRIDGE DISCUSSING THE PLACEMENT OF NEW CELL TOWER ON THE SITE OF WATER TANK WEST OF HWY 77 AND CHURCH ST.

S. CHRISTIANSEN--Council MEQ contacted me several weeks ago concerning an area that we own across from Circle K. There is a spot in the back where we have a water tank that is a nice flat area. It goes along with the ATT towers that we have. And this will serve us for some of the others carriers like Verizon, which is a real problem here in our town. John and I had discussed it and thought this would be a perfect option for our town. So, we asked him to bring you a presentation.

MEQ PRESENTER--Thanks for having me. We're looking at the area just north of the water tank up there on the hill. Okay. So I think everyone has a good idea of the location. You've all probably seen a cell tower in every town from here to Superior as you drive through them, you probably don't even notice them. It's a big piece of steel in there, anywhere typically between 100 and 200 feet in a rural area like this. The goal is obviously to provide coverage for the residents. In this case, Vertical Bridge would be the developer who I represent. They are the largest private power developer in the country. What they do is, they essentially, build the tower and the carriers lease the space on this tower. They have right now one major carrier that's looking to develop here, so they will build a tower and then down the road, other carriers can go on the same exact tower. So then the town doesn't have one for T Mobile, one for Verizon, and so on. They could all go on this one tower. And so this tower would be built to accommodate all the major carriers. Currently, you have an AT&T tower, so this would be able to hold Verizon in the future, which I noticed in the few times I've been down here does not work so well. So Vertical Bridge is a large partner with Verizon, T Mobile as well. And then there's actually a fourth wireless carrier that's about to go nationwide, which is Dish Wireless. I don't know if you folks have heard of them. They just launched in Las Vegas, and are on an aggressive timeline to go nationwide. So they could be a fourth one that could go there as well. We just need ground space for the tower, and for cabinets at the base of the tower. Everything would be permitted. What I did want to ask was, if there is a local permitting authority here? Or would it be through the county? (Permits would be through Mammoth) Okay. So we would, at our own costs, complete surveys of the land, design the tower, present it to the town for review, and approval. And camouflaging the tower was discussed with Shannon, if you drive through these towns, you won't see a single camouflage one. The reason for that is the height that we need here is pretty tall to get to the surrounding areas. So, if we were to camouflage, it would almost have the opposite effect, where all you would see is the camouflage tower. And typically, we don't do camouflage options, unless it's under 80 feet, just because it ends up kind of sticking out like a sore thumb. It's an option, though, but I would recommend against it. (Could you explain the leasing procedure to the Council?) Sure. So, a couple of different options that Vertical Bridge can do. One would be a monthly lease, the other would be a one-time lump sum payment for perpetual easement. It would be up to the town's discretion as far as budgets, and how they wanted to approach that. Towns have tax considerations, or funding considerations. But in these areas, typically, your lease rates are right around \$750 - \$800 a month. A one-time lump sum would be somewhere between \$75,000 and \$80,000, for a perpetual easement.

(Council A. Martinez- questions what the agreement with AT&T was, believing that the monthly exceeded the \$750 per month or the \$60,000 lump sum, remembering it to be around \$130,000)

(Attorney Cooper- stated that he did not have the actual amounts but believed it to be around \$1100 to \$1400 per month. He would get that information to the Town Manager, sending them electronically the next morning.)

(Council A. Martinez- Stated her thanks and agrees that this is a great idea, many people arriving in Mammoth, and you can always tell, they're the ones standing in the parking lots trying to get service. So it is needed but feels this is a low ball offer)

As for Vertical Bridge, I can say that T Mobile was actually the client that would be the first one on this tower. They don't have an agreement with Verizon at this time, but the tower would be open to Verizon in the future. I can take any feedback you folks have, I can take back to Vertical Bridge and let them know. I can't tell you there is a number that they won't do. But that's up to them to make that decision and I can take back any feedback you have, especially if you have something in the past that you had an agreement on. I would love to have that agreement to present to them and say look, here's what they had in the past. See if they can match that number, it doesn't hurt to go that way.

(Council A. Martinez- Has concerns that most of the traffic that stops in Mammoth is located right in that area of the highway and this tower will be visible to all breaking up the view of the landscape and believing that the offer should be more simply for that reason. It should match or be slightly more that the AT&T agreement.)

Yeah, and again, I'm not the one that ultimately makes that decision, we're more on the presentation. We will do the architectural and engineering portion of this. I can take anything back, if you said a million dollars a month, I'd take that back to them. It's not a decision that I ultimately make. So I'm happy to take anything back, especially if you have documentation on what you've gotten before. The one thing I will say though, is they do ultimately have a number that they won't go past. And the flip side to that is they have the ability to negotiate with private landowners as well. And so I do want to caution that we did come to the city first.

(Council A. Martinez- is concerned with the fact that the paperwork shown gives dollar amounts for monthly and for a lump-sum but does not state the term for that lump-sum.)

Typically, they want the option to go for at least 25 to 30 years, if your attorney could give me a statement saying what was in his records? I could send that to them.

(Attorney Cooper- The agreement was a public record. It is not confidential. So, he will go through the files and will send the final agreements to the town manager tomorrow.)

I think that's a great idea to move it forward, we can keep the negotiations going and search for the offer that would be suitable for you folks, again, I'll caution, they came to the town first. They have other options, they can go to private landlords and other options, but they wanted to go to the town first. We want to make sure that we move this forward. I know things have to follow processes here, we understand that, but we want to make sure there's movement, because if not, then they're gonna put heat on me to find somebody else. I totally understand the other concerns about the funding and I will bring that to them and explain to them what AT&T did.

(Council questioned whether they could ask private land owners here in town and were to no. But just outside of town there are areas of private land owners that would be able to take the offer.)

Again, you are the only people I've talked to in this area and I'll say that on the record. And from day one, you guys will have the best coverage. That area right in the middle of town is going to provide the best coverage. So, we definitely want to make it work. But again, every company has a budget and keep in mind to how much they can pay for it to work. I definitely am in agreement, if we can get whatever agreement you got then we can move forward. Thank you very much for your time.

**MOTION IS TO DIRECT STAFF TO SEND AT&T CONTRACT TO MEQ/VERTICAL BRIDGE AND BEGIN NEGOTIATIONS ON THE CELL TOWER
MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN BREWER
MOTION PASSED 6-0**

(Mr. Cooper will forward information to the Town of Mammoth, who will then send it to MEQ/VERTICAL BRIDGE, who will prepare a new offer.)

B. TOWN ATTORNEY TO SWEAR IN NEW MEMBERS OF THE PLANNING AND ZONING COMMISSION: MS. GUILIA LEWIS, MR. AL BARCELO, AND MR. W. TUST

Planning and Zoning request that item B is moved to below Item E to allow a little more time for the accepted members to arrive as they we told to be here at 7PM and it is not quite 7 yet.

C. P&Z VARIANCE REQUIRING COUNCIL APPROVAL

S. Christiansen—This variance is for Deborah Foster. She bought the property at 111 South Clark. She'd like to put a single wide trailer on it. A new 2022 trailer. Our ordinance states that the mobiles to be put on now have to be less than 25 years old and must be a minimum of 20' X 40'. In that area, most of the mobile homes there are still single wide trailers. So we're asking that she be allowed to have a single wide in there rather than the minimum stated. I gave you some pictures of the area. So that you could see that there are several trailers around it that are single wide. I don't see where it would change the look of the properties around there very much and it wouldn't stand out, other than it being a lot newer.

(There was some discussion amongst council as to allow this when the ordinance is specific and opening the door for others to request a single wide as well. It was explained by P&Z that not all areas of town would be

considered for a variance of this type, this particular area is mostly single wide trailers and the addition of a newer model will only serve to improve the area)

MOTION IS TO APPROVE VARIANCE FOR THE PLACEMENT OF A NEW SINGLE WIDE MOBILE HOME IN LIEU OF THE LAND CODE REQUIREMENT OF A DOUBLE WIDE WITH A MINIMUM SIZE OF 20' X 40' AT 111 S. CLARK ST.

**MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN MARTINEZ
COUNCILMAN BREWER HAS ABSTAINED FOR THIS VOTE
MOTION PASSED 5-0**

**D. PROVIDE UPDATE ON 14-27-12-5 ABANDONED VEHICLE ORDINANCE AND CLARIFICATION OF HOW THIS IS BEING ENFORCED. THERE ARE STILL A LARGE NUMBER OF ABANDON VEHICLES THAT ARE AN EYESORE FOR OUR TOWN
(DISCUSSION ONLY)**

J. Schempf-This is an agenda request from Guilia, and she wants to know, well, I'll let her ask the question. Guilia Lewis- Right. So, I don't have the ordinance number. But on the town of mammoth website, there's an ordinance about abandoned vehicles. And I have yet to see anything in writing or any action that's been taken to address some of the issues we have with abandoned vehicles. Specifically in our area as my neighbor here can attest to as well. We have quite a few in what you call new mammoth or the north part of town. There are a lot of abandoned vehicles, and they look terrible. So I'm really curious to see what actions are being taken Thank you.

Council and Town Manager respond-The Chief was writing citations and giving them so long and then getting off the public roadways but on private property, they can't do that. These are the ones that sitting in people's yards visible from the street. The ordinance is written so that they can either put them behind a fence, or you can cover it or you can put it in a garage, as long as it's not visible from the street. You can have as many as you want. But we have a lot of others that are very visible. And that the requirements are very specific before we can go in there and take that junk vehicle.

Vehicles are required to be tagged with the license on it. So the first step is to get those that have four or five, if only one of them has a tag and they got to get rid of the other three. But again, it's private property. And to go in there and get a wrecker and take it out of there, we have to jump through a bunch of hoops. And that requires paperwork, which is one of the reasons I put it where it is because the next one is code enforcement officer. And I'm not looking for somebody full time. But admittedly, the first month is going to be pretty busy because there's a bunch of these abandoned vehicles.

E. DISCUSSION AND POSSIBLE APPROVAL OF HIRING A PART-TIME CODE ENFORCEMENT OFFICER FOR PLANNING AND ZONING DEPARTMENT

MOTION IS TO ADVERTISE FOR AND HIRE PART TIME CODE ENFORCEMENT OFFICER FOR PLANNING AND ZONING DEPARTMENT

**MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN MARTINEZ
MOTION PASSED 6-0**

TOWN ATTORNEY TO SWEAR IN NEW MEMBERS OF THE PLANNING AND ZONING COMMISSION: MS. GUILIA LEWIS, MR. AL BARCELO, AND MR. W. TUST

Planning and Zoning request that item B is moved to below Item E to allow a little more time for the accepted members to arrive as they we told to be here at 7PM and it is not quite 7 yet.

**MS. LEWIS AND MR. BARCELO WERE SWORN IN BY ATTORNEY S. COOPER,
(MR. TUST WAS NOT PRESENT FOR THIS MEETING)
Certificates of the Oath of Office will be available for signature at the first P&Z meeting.**

- F. STAFF NEEDS DIRECTION ON PALMTREE TRIANGLE AT THE NORTH END OF TOWN--OPTIONS: (1) DON'T WATER REMOVE GRASS AND INSTALL GRAVEL (2) WATER ENOUGH TO KEEP WEED OUT (3) WATER TO KEEP GRASS GREEN

MOTION STAFF TO USE OPTION (1) DON'T WATER REMOVE GRASS AND INSTALL GRAVEL

MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN MARTINEZ
MOTION PASSED 6-0

- G. DISCUSS AND APPROVE PURCHASE OF A BLADE BOX SCRAPER (GANNON)
OPTIONS: (1) USED FOR \$4,400.00 (2) NEW FOR \$6,673.00

MOTION STAFF TO USE OPTION (2) PURCHASE NEW FOR \$6,673.00

MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN MARTINEZ
MOTION PASSED 6-0

- H. DISCUSSION AND POSSIBLE APPROVAL TO ALLOW SAN MANUAL SOFTBALL LEAGUE TO USE THE MAMMOTH SOFTTBALL FACILITIES

MOTION IS TO ALLOW SAN MANUAL SOFTBALL LEAGUE TO USE THE MAMMOTH SOFTTBALL FACILITIES PAYING ALL COST FOR LIGHTING OVER \$250.00

MOTION BY COUNCILWOMAN MARTINEZ SECOND BY VICE-MAYOR BUSTAMANTE
MOTION PASSED 6-0

(NOTE TO MINUTES—THE ALPHABETICAL PROCESS OF THE AGENDA WAS MISTAKEN AND THE LETTER I WAS USED TO INDICATE A MOTION THROWING THE SEQUENCE OUT OF ORDEER)

- I. DISCUSSION REGARDING PUBLIC TRANSPORTATION OR BUS SERVICE

This was a discussion only and the Council was provided with a copy of the survey to be used. The idea currently would be to provide bus transportation to connect with the Sun Tran system in Tucson. We will be handing out the survey to those residents who come in to pay their water bills. It was also suggested that someone take them to those who are home bound. We are hoping that all residents will participate in this survey

MOTION IS TO DIRECT STAFF TO PROVIDE A SURVEY OF THE TOWN RESIDENTS TO OBTAIN THEIR VIEWS ON THIS MATTER

MOTION BY COUNCILWOMAN MARTINEZ SECOND BY VICE-MAYOR BUSTAMANTE
MOTION PASSED 6-0

- J. APPROVE TENTATIVE BUDGET CALENDAR AND DEADLINES: DISCUSS PRIORITIES FOR BUDGET AND ANY POSSIBLE CAPITAL IMPROVEMENT PROJETS (CIP) FOR FY 2022-23

A. Sanchez-- I asked for this item to be on the agenda. Because it, of course budget time. I have provided you guys with a tentative budget calendar with some deadlines, to kind of help you understand where we're with the budget process. It's also going to require a couple extra meetings. So I want the council to take a look at this and make sure that you're okay with those dates, so that we can move forward to make sure we get our budget in, completed and approved on time. Does anybody have any issues or any questions or problems with any of these dates?

No. We're good.

Okay, then the only thing we needed to do tonight is to approve this tentative budget calendar. Then we can move forward. I wanted to discuss any possible capital improvement projects that anyone possibly has in mind. Over the past year, we've had issues where we've had council members come to the council with ideas. But ideas don't do us any good if we haven't budgeted for them. So, if you have any ideas about capital projects, please let us know now so that we can include them in our budget, or at least figure out if we can include them in our budget. Projects such as Vice Mayor was discussing about possible bus transportation.

That's something that we wouldn't necessarily pay out of our general fund. But, in order for me to look for grants for this, I need to budget for those grants. If we don't get the grants, it's not a big deal. But in order for us apply for the grant, and get it to spend the money, it has to be in our budget. So that's why I'm looking forward for to the next fiscal year. What projects do you have out there that you'd like to see so that we can start looking for grant money and we can start budgeting for those things? To start, we can work towards your goals.

J. Schempf--For instance, that Gannon blade should have been in our capital budget. And we should have planned, you know, to see if we could buy it in this year. And if it's going to cost too much in one year, you split it over two years, or you delay it. The same with the code enforcement, you know, they might be good ideas, but Angie is 100% correct, we got to get it down and qualified to get the funding for grants and we need to plan for the future. In other words, we all may want 10 items total, and maybe five of them, we can get. See your way clear to get in some of them this year, but some of them will have to be delayed. So, we try for next fiscal year, and then they would come ahead of anything else. Planning for it, that's the key. And most towns don't do that as well as they should, you're not the only ones. But we ought to start and it gives us a target so, it helps the planning process.

Mayor Armenta--We need those big lights for your public works when they work at night in the dark. So we can definitely put that on.

A. Sanchez--I was thinking when we were having someone come in to look at our computer system at the town, they talked about how our phone system and all of our equipment is so outdated that if it breaks, we wouldn't be able to find parts to replace it. So I think maybe something like that to upgrade or update our IT system would be one. Because once we go to PCSO what are we going to do if our IT system goes down? Now we have no way to contact each other. So, I think that's an important one, if the council is interested in doing something like that. Also the patrol vehicles, I spoke with the people who we're ordering them from, and it looks like because of the supply shortage, they probably won't be in until July. So I'm going to have to move that money back into next year's budget, because we're not going to get it in time to do it this year. In order for us to spend that money, it has to be budgeted for after July one. So, that's what we're looking to do is those kinds of things. Is there anything that you can think of that we need to fix or we need to do? Even if it's something that we might not be able to accomplish, at least we can look for grant money, there's so much grant money out there, if we could come up with something, then we'd budget for it, we can spend it like the school. We budgeted a million dollars for the school. We didn't get the grant. So no harm, no foul. But had we gotten that grant and we didn't budget for it? We would not have been able to spend it.

Vice Mayor Bustamante--Under transportation, the safety pullout and maybe a safety crossing on 77. The two towns are divided by a major highway we need to have a safe way for pedestrian crossing. If that's on the budget. I mean, even if we can't do it now it is ear marked.

A. Sanchez--Okay, we also have to budget for the water project as well. So we have to be very careful, there are limits on how much our budget can be. So we can look at all of that stuff. We'll put all that together. We need to with a project that large. What something like that would cost is going to be at least a couple of million dollars. They said to do an overpass or anything like that. I don't know about upgrading one of the underpasses and maybe making one of the culverts into an underpass. We already have one over on the other side of town. So, I mean, we can look at something like that. So, pretty much anything, we can put in the budget, we just don't want to go over our expenditure limit.

Mayor Armenta—When we return to the Council room in Town Hall, it need an upgrade, paint and things.

A. Sanchez--Definitely, that would be a capital improvement project that we can add on there. So, we'll take all of your suggestions and we'll put together a capital improvement project list. When we come back to the Council for a budget session on May 26, we will come back with those things and try to put together some cost estimates. Then the council will have to prioritize, we can't put everything in one year's budget. We certainly can prioritize them and see which ones that we can honestly do in in in one fiscal year.

Vice Mayor Bustamante-- An electric car station

J. Schempf—That is a wonderful suggestion there's a big concrete pad next to Michoacán's. And we own that. So that would be a great place for electric vehicles.

A. Sanchez—Yeah, that could definitely be a capital improvement project as well. So, I think we have some good ideas so far, we just have to sit down and figure out which ones are the best for this fiscal year. And I will check into some grants and see what's available out there. Infrastructure is probably going to be a good, fit for this fiscal year. And then we'll put it together into a cost estimate. Then you guys can look over that list and we can prioritize and see which ones we want to include in this year's budget.

One of the advantages to having a capital improvement budget, is that if you get to the point, and we're not there yet, you start actually putting money in that budget, it doesn't have to be spent by the end of the year, if it's in the capital projects, or capital improvement budget. It goes multi year. So you're not at the end of the year going, Oh, my goodness, we got to spend \$10,000 and you throw it on something that wasn't planned? No, it's going to be in there. And it can stay there. So keep that in mind as well.

A. Martinez--The police cars, they're on a budget for next year. But I still think we should even though we couldn't buy the schools we need to look at trying to rent the school and get those facilities. So we can open up the gym for the public and possibly look at having like a senior center or something else out there. If we can get a rental contract for both multipurpose rooms. That would be something that would be very beneficial to the town and its residents.

A. Sanchez--I agree. I think that could be very good for economic development for the town. I think that what we'd have to do, as far as that's concerned is, the council will have to meet with the school board and see what they what their plans are for that building and see if they're interested in maybe leasing it to us. So that we could provide some services out of that building. I mean, it's a waste. It's a beautiful building. We spent millions of tax dollars building it. It's a waste to just sit there.

Well, I've been keeping my eye out for grants and what's available. The problem is that it's hard to look for a grant if you don't know what you're looking for. So once we identify what our capital improvement projects are going to be, then we can start looking at grants for the next fiscal year and see what we can find out there to help us accomplish those projects. You've all been really good. I think we have enough at this point to make a really good budget. Thank you. Good evening.

**MOTION TO APPROVE TENTATIVE BUDGET CALENDAR AND DEADLINES
MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN MARTINEZ
MOTION PASSED 6-0**

NOTE—SOME CAPITAL IMPROVE PROJECTS SUGGESTED ARE AS FOLLOWS:

1. BUS TRANSPORTATION SYSTEM
2. ELECTRIC CAR STATION BY CIRCLE K
3. LARGE SPOT LIGHTS FOR PUB/WORKS
4. PHONE SYSTEM AND IT UPGRADE
5. SAFE CROSSING HWY 77 OVER/UNDER
6. COUNCIL ROOM UPGRADE CARPET/PAINT
7. SAFETY PULLOUTS FOR LRG. VEHICLE
8. RENT SCHOOL FOR GYM AND MP ROOMS

K. ACCEPT RESIGNATION OF COUNCILMAN JAUN PONCE AND PROVIDE GUIDENCE TO STAFF FOR FILLING THIS SEAT.

**MOTION TO ACCEPT RESIGNATION OF COUNCILMAN JUAN PONCE
MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN MARTINEZ
MOTION PASSED 6-0**

**MOTION TO DIRECT STAFF TO ADVERTISE AND ACCEPT LETTERS OF INTEREST FOR THE VACATED COUNCIL SEAT TO BE APPOINTED IN JUNE COUNCIL MEETING AND TO BE SEATED UNTIL NOVEMBER COUNCIL MEETING WHEN ELECTED OFFICIAL WILL TAKE THIER SEATS
MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN DIETZ
MOTION PASSED 6-0**

Lucy Moreno's sister is here to accept her award and a \$40.00 gift certificate with much appreciation from all the Council and Staff of the Town of Mammoth. She is the first Employee of the Quarter. Congratulations!

**MMPC 3B. RECEIVE UPDATE ON THE WATER RIGHTS PROJECT BY ATTORNEY
S. COOPER**

Mayor and Councilmembers. We have an agenda item. Tonight our discussion is about the water right adjudications on the San Pedro River. Just to give you some background on this, we're asking after you've discussed this matter and sought legal advice if necessary to approve a Resolution 2002-0, authorizing the Mayor to sign documents to settle the water rights claims involving the Town of Mammoth. For some background information, since the early 80s, there's been litigation in state courts, and also in federal courts

concerning all the water rights in the state of Arizona. And you were previously involved in negotiations involving water rights usage on the Gila River. At the time, I was not your town attorney, but because I was representing Kearney, I represented the Town of Mammoth as a special legal counsel to resolve those water rights claims. Back in 2004, you had entered into an agreement with settling the water rights claims on Gila River watershed where the Town of Mammoth agreed that it would not pump water from the water source being the river, we would not exceed 300 acre feet per year. At the time, that was the highest number rounded off, it was given to me by your staff, which indicated what your water usage was. When Wendy Gort was working for you, she found some old records that showed one year that we actually exceeded the 300 acre feet and were closer to about 400. My best guess is that we probably were acquiring what was known as the Clark Well, and they were still running their sand and gravel operation. Perhaps those numbers got attributed to that because that's a high use of water. Essentially, about two and a half years ago, they put on the fast track, an adjudication of the rights on the San Pedro. The San Pedro essentially is all the way from the Mexico border through Sierra Vista, through St. David, through to Mammoth were Aravaipa and all the way to where it joins the Gila River in Hayden. As part of the water claims we had special counsel back in the 80s that filed a claim stating the Department of Water Resources cataloged all the water right claims on the San Pedro and they also gave a priority date for the use of the water. They basically had the Town of Mammoth starting the use of their water in 1958, which was when the town was incorporated, and they had our water usage at about 110 acre feet per year, which clearly was not factually correct. We have filed an objection to that, we took the position that we should have the water right going back to when the Town of Mammoth was first settled. And that was approximately about 1888 from records that we could find, historical newspaper articles that were out there. The next thing you have to do in the court is get an expert witness who can come in and tell you, Yes, you've been using that water since this time, and that your water right is prior to this and that you are appropriating it physically taking it from the San Pedro River. Unfortunately, all those people are dead. In speaking around town with some of the town people, speaking with Mr. Ponce and Mr. Brewer and other longtime residents of the community, it was hard to find that information as to the historic uses of the water. The parties involved in this litigation who worked on or were involved with, was your town, the City of Phoenix, the city of Mesa, the city of Chandler, Salt River Project. That's from the city's interest's property. We also had representatives involved in this from the Gila River Indian Community, the San Carlos Apache tribe, the Yavapai Apache tribe, the Tonto Apache Tribe, one additional Apache tribe, the United States as trustee for the Indian tribes, and partner water resources, you had to go resolve this agreement with all of those individuals. For those that have never been involved in water rights litigation, it's never settled, because water is always going to be a continuing source. But more importantly, for the lawyers, if you settle a water claim, you're unemployed. So water claims just never get to be resolved because we have changes in the environments. When we're in times of drought, as we are now, the water that they believe you could use, has decreased over time because there's just less flow on the river. And then you know, the change in the climate and the fact that we're in a drought and they basically believe that drought is longer than the one that was in about 1100s to 1300s, which is when the Hohokam left central Arizona. So having gone through all that, we were able to persuade, the parties to agree to a proposed settlement agreement. The agreement would be that the Town of Mammoth would receive its 300 acre feet a year. The priority date would not be the day of the incorporation of the town, but it would be 1888, which means we would have a very high priority right. There would be very few entities that would have a higher right. Some of the mining communities with the mining interests might have some, the Indian tribes to federal treaties might have some rights. We were able to resolve it with all the parties, but two of the parties wanted separate agreements, one was with ASARCO, which we had approved a couple of years ago, where they agreed to sign on with us as long as we agreed, we would never challenge the ASARCO water rights on the San Pedro river. They are downstream from the Town, so it really made no sense for us to do it because the water is use it or lose it according to your priority lock rights. So, the only way to resolve this is a proposed settlement agreement with the San Carlos Apache Tribe. What you need to be aware of in that agreement is that the agreement would be, that we would get 300 acre feet from the San Pedro River and also what is called the stream bed, according to the Department of Water Resources. What our agreement would provide is that we would be entitled to use our wells that are in the stream area, we could pump a maximum of 265 gallons per minute, which is both of those wells running wide open, which we don't do or rarely ever do, we'd have the right to run it 24 hours a day up until we use up 300 acre feet.

And there is also one other condition that's out there, which hasn't been resolved from the court. But that's still to come, they have surface water, then they have basically what they call the stream bed, what the stream

bed is they consider that part of the subsurface flow of the river. If you take from the subsurface flow, that in theory pulls down the surface water to basically fill that area that's been pumped out, they also have what they call a cone of depression test. That's a fancy way of saying that if you have a well, hydrologically linked to the stream bed, meaning if you're pumping there, it affects the stream bed and the surface flow, that's considered part of the water rights, and that you cannot pump beyond the 300 acre feet. They've also requested that because there are a number of wells that are private wells out there, that we would not be able to acquire them and use those because they're small usage. They don't want us basically gathering up 20 or 30 wells in town and making a claim for it. But the agreement gives us the right to acquire surface flow from the mines, any party that's has a valid surface water right, it also gives us the right to use or acquire water sources from the artesian wells, one of which we have in town and I believe that is the one Mr. Brewer has mentioned. There's at least a couple artesian wells on the San Pedro, we would be within our rights to acquire those properties. Any well that is not in the sub flow zone, and is not in that cone of depression test, we're free to use that water without restriction on that. So, if the Cielo development ever occurs it's far enough away from the river that they can show through experts in hydrologist that it has no impact on the San Pedro. When they develop that water source and dedicated to the Town we will be able to supplement our water source. Because it's far enough away from the river and the mining areas out there, we probably are going to get a little better quality of water. We have this matter in a separate trial in July. We turned in our joint pretrial statements and it's ready to go. But, we have agreed with its substance with everybody except for the Indian tribes. The San Carlos Apache Tribe is prepared to present this to their Tribal Council for approval, provided we approve it, and provide them with signed copies of the agreement and the resolution approving it by the council. If we don't do it, we go to court and we take our chances that we can prove our water right back to 1888. The Department of Water Resources certified hydrological survey where they said our priority date was 1958 and about 110 acre feet is what we would be stuck with. So, it's my recommendation to you that we approve it. Because, number one, you agreed to do this back in 2004, when we settled the Gila River and the community's water rights claims on the Gila River, this maintains what we had there before. It is going to be more complicated, but in all honesty to the council, water is going to be more complex in the future. Everybody knows that, and by having this priority date that they're agreeing to, give us a good chance that they will leave us alone. Because at the end of the day, if we go litigate this with Salt River Projects attorneys, the city of Phoenix attorneys, Mesa attorneys, Chandler attorneys, and the five Indian tribes and their lawyers in the United States, they have more lawyers, guns and money than we do. So we can certainly try to go defend it and everything but, I believe that they're giving us what we've asked for, and probably a little more with the priority date. So, if I can answer any questions in Executive Session, if you so choose. But, it would be my recommendation to you that you approve resolution 2002-01 to settle these water rights, because, every dollar you pay me is \$1 less you put back in the community?

A Martinez—what would happen if we went over the 300 acre feet of water, you said it happened once before?

S. Cooper--They would go to court to shut us down, there's probably some type of a monetary sanction. But again, we would if we're getting close to that as I said, we're doing about maybe two and a quarter is my guesstimate. So we have quite a cushion, but if we start to grow and that water demand starts to go up, we would basically be looking at the other wells that are not in the sub flow zone. One also have one well, it has been said that it's about 1200 feet, it has some arsenic and other issues there. That well has never been tested, nor have we gone in and basically plugged it at certain levels where the water tables are, to see which waters water flow zone is causing those chemicals to be there. In theory, if at the bottom of the well the water flow down there is where the problem is, if we go up to about maybe 600- 800 feet, and the water is good there we can always plug the well at that point and utilize it there. But if you drill a water well in Arizona, you're looking at, a steel cage, stainless steel casing, wells approval, leads that seal the well and everything and by the time you get the pumps and bowls on and everything a new well is going to I'm probably a little high, but I'm think it's gonna cost close to a million dollars.

A Martinez--There's language about installing some meters and care to maintain the actual limits on the water with the pump do we have those, are our wells metered? So, we're talking about those that are in the riverbed, there's something in here where they said that we needed to install meters. So the ones that are in this riverbed that are going to be impacted by this agreement. Do those have meters on them already

J Schempf-- Yes. Well, number four and five are both metered.

S Cooper--And we have to file an Annual Pumping Report every year with Department of Water Resources. I think we're doing the extra step of giving them that information as well, which is public record.

J. Brewer—Asked a question concerning an Artesian Well,

S. Cooper--The short answer is they would not give us credit for it any more than the fact that our sewer ponds are right on the San Pedro and that water percolates down there. And probably, if we're using about 225 acre feet a year, we're probably putting 75 acre feet plus a year back into the ground and not getting any credit for it. But as far as the artesian well, we would basically look at possibility of getting some type of a treatment system to treat that water maybe we could do some type of blending with the other water where we would not violate any water quality guidelines for the residence community to EPA or the Department of Water Resources.

A Martinez--So do you have a plan in place if we get close to that 300 feet, do you have a plan of stopping us from going over?

J Schempf--Right now we are losing almost 30% of our water that is not being paid for. We're losing it through leaks, evaporation, and so on. And incidentally, we've had seven leaks in the last two weeks, including the one that was mentioned that the guys didn't have lights for. So I'm really hopeful that after we finished the project, we won't have to use near the amount of water that we're already using.

S Cooper--And when we looked at that number, and I looked at the historic uses, we're pretty constant with our water usage for the last five to seven years. And as you know, the town's population has, because of the closure of the mines, the town population has dipped. So we're using less water today than we were 10 or 15 years ago. And if we have a 30% increase in the water that's there, that's basically going to be a heck of a buffer which would allow, if that's the case, probably it would give us the ability to maybe double the population of the town without having a problem there. But, we do the meter readings every month, and we will know that we're starting to use too much water. And then we would look at other things. If we were looking at someone that wants to use water for industrial purposes, we would say, we don't want to really do that. Or perhaps, you know, let's go use another well, it's not counted, or you could get the water out of the artesian well, for the purposes of doing that.

Another thing worth looking at is the water project, when you get these water lines in, if we perform and we do it right and the contract goes through and we don't have any statics and we show that we can perform well, as that project goes on. I'm sure John will be whispering in rural developments ear saying now that we've got this in place, we have a potential water issue because now they're clamping down on San Pedro pumping. Is there a possibility you might look at helping us develop a new water source. Then it's out there and if we do a good job and they've got the money and we have the need that we can demonstrate, they're gonna work with you and they'll give you more money than you asked for as long as you can perform on the contract.

**MOTION TO APPROVE THE SIGNING OFF AGREEMENT BETWEEN THE SAN CARLOS APACHE TRIBE AND THE TOWN OF MAMMOTH TO SETTLE THE WATER RIGHTS
MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN DIETZ
MOTION PASSED 6-0**

**MOTION TO APPROVE RESOLUTION 2022-01 APPROVING THIS AGREEMENT AND GIVING THE MAYOR AUTHORITY TO SIGN ALL NECESSARY DOCUMENTS TO EFFECTUATE THIS SETTLEMENT
MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN MARTINEZ
MOTION PASSED 6-0**

13. MAYOR AND COUNCIL COMMENTS

Vice Mayor Bustamante-- bus service survey, we can print some in Spanish and I could take some to those that are homebound.

Councilwoman Martinez--So I just had a couple of things, I know that there's been a lot of complaints regarding the fire department recently. I just wanted to let everybody know, I personally had an incident where I had to call fire department and it was very stressful situation. The fire department came out they actually have some new members now, one of them is a paramedic. So, we actually have paramedics that are part of our fire department. In this situation that ended up being the lifesaver, because the closest ambulance had to come from Tucson. So, having that paramedic on staff worked miraculously, all of the agencies work together Pinal Rural, Mammoth Fire and Rural Metro (Tucson). So, it was a very different experience. So I

know they're going through some growing pains. But I think it's going to be better for the Town of Mammoth with what they've got going on right now. So kudos to them. The only other thing that I wanted to say is, because we're starting to fight over chairs, can we please order chairs for all the council.

Councilman Brewer-- In the meeting yesterday, everyone was talking about horseshoes. I looked at them, and all the ties are rotted and falling apart. So I'm gonna contact the railroad because they did some work on the Tracks and through a bunch of ties on the side. In my opinion they are there for whoever wants them. So let me take care of that.

Mayor Armenta—We were at a parks and rec meeting discussing what kids could do and the idea of horseshoes came up. It is popular with both kids and adults.

14. ADJOURNMENT OF COUNCIL MEETING

MOTION TO ADJOURN @ 8:15 PM

MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN MARTINEZ

MOTION PASSED 6-0

I certify that the preceding is a true and correct copy of the Town of Mammoth Council Meeting held May 19, 2022. I further certify that the meeting was duly called and held.

John Schempf Interim Town Clerk