

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

**These are the Minutes of a Regular Meeting held by the Mammoth Town Council  
On OCTOBER 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 are adhering to Social Distancing Measures.**

**1. CALL TO ORDER – This meeting was called to order at 7:03 PM Mayor Armenta.**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**PRESENT MEMBERS**

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

**PRESENT STAFF**

Attorney S Cooper  
Town Manager J. Schempf  
Financial Clerk G. Lewis  
Police Chief H Muller

**ABSENT MEMBERS**

**4. CALL TO THE PUBLIC –**

**Vice Mayor Bustamante**-Neighborhood Watch Program-Distributing decals and still refurbishing signs. September was a great monthly meeting and we picked up two more members. Thanks to Public Works and those who volunteered for the park clean up. There is still some more do get done. Youth Activity is part of crime prevention and the clean-up of our parks, residences and the town in general and making it safe for all. Meetings are the second Wednesday of every month at 6PM here at the Community Center. We are moving forward and we would like to keep that momentum going, come and join us.

**Mary Turner**-Concerns are number one the swimming pool, a cover was purchased and we are not using it. **Note it was mentioned that the cover purchased does not fit the pool and the wind blows it off the pool.** Okay, so that is it on that one. Second, is Covid? It is my understanding that one of the Council Members had a Covid Exposure while at their workplace. They were sent home that day to quarantine. Yet, that night they attended the Council Meeting. None of the Council was wearing masks and none of the audience was wearing masks and we were not told that an exposed Council member was present. I do not want to be exposed to Covid and I'm sure none of the others want to be exposed either. So, I want to know why a Council Member who was exposed that day was allowed to attend that meeting.

**Note Councilwoman Martinez responded to this-declaring that she was vaccinated and 2 boosters, she also wore two masks and maintained a social distance of more than six feet from other members and the public.**

**Councilwoman Martinez**-Open Meeting Law is important to what we do as a Council as well as how we as citizens proceed with things. In the open meeting laws it states-Council members are prohibited from discussing any agenda item prior to the meeting. "Council members of a public body may discuss their views with members of the public so long as that communication is not direct at or principally given to another council members and there is no plan to engage in collective deliberation to take action. ARS 38-431.09B. After I left the last Council meeting one of the member reached out to several of the Council members trying to solicit votes to overturn a decision of the Town Council. I have proof should anyone want to see them. They were asking not to have an agenda item placed on the agenda. And looking at the agenda I can see that had multiple discussions on this matter. They solicited votes because they wanted to see if they had enough votes to overturn

before it was placed on the agenda. I will be filing an open meeting violation on each member who was involved, and I urge you to read the open meeting laws, because if this continues, I will be filing violation claims each time. Eventually you as Council Members will be fined. So please take the roll you have very seriously. Do not discuss anything outside of Chambers while you are doing your job.

**Councilman Brewer**-I am here to say that as a committee we do everything we can to abide by Robert's Rules of Order. There may be a couple new members who do not know everything, and for that I apologize. We strive for a good and legal meeting for you the people of Mammoth who want something done. That what we try to do. I want to thank the Council and Public Works for all the work they have done so far. I want to thank the public for showing up and ask that you not get too discouraged because you hear that this is wrong or that is wrong, we are trying to do everything we can to get this town back on its feet. Please continue to attend our meetings and let us know your thoughts.

**Jerry Cowart**-4% sales tax which is now about 5 years old. We were told we would only be in effect for two years and it has been a lot longer than that. We tax food, there is no tax on food in Tucson or Phoenix. I think this needs to be addressed.

**Note it was brought up to resend but the council did not do that due to monetary issues at the time. The tough decisions were made to keep this tax as other revenues had been cut, and the hope was to be able to resend this at a later date. The Council understands the issue and pays the same taxes as our residents, but right now that is not within reach. Perhaps during the next budget cycle the revenues will be in position to reduce that rate.**

**Possible Executive Session or discussion/consultation for legal advice with the Town Attorney and/or Town Staff concerning any of the agenda items, pursuant to A.R.S. 38-431.03 (A) (2), (3), (4), and (7)**

**Entering Executive Session at 7:32 PM to Include Town Council, Town Manager, Town Attorney, and Chief of Police. We will establish a 10 minute session. For Legal Advice.**

**Motion by Councilwoman Martinez      Second by Councilman Martinez      Vote 7-0**

**NO LEGAL ACTION WILL BE TAKEN BY THE COUNCIL IN REGULAR OR EXECUTIVE SESSION ON THIS MATTER THIS IS AN INTERVIEW PROCESS ONLY**

**Close Executive Session and Re-enter Regular Session at 7:41PM**

**Mayor Armenta use her prerogative to move Item 6A to this slot.**

**6A Discussion and Action to Reconsider Appointment of Kennedy Ivy as Town Clerk**

**MAYOR ARMENTA CALLED FOR A MOTION**

**MOTION BY NONE      SECOND BY NONE**

**AGENDA ITEMS DIES FOR A LACK OF MOTION OR SECOND**

**DUE TO THIS ITEMS RESULTS 6b AND 6c WILL NOT BE NEEDED**

**5. CONSENT AGENDA**

**A. STAFF RECOMMENDATIONS AND REPORTS (Copies of all Reports can be found on the Agenda page of the website for this meeting)**

- 1. Town Manager**
- 2. Town Clerk/Treasurer**
- 3. Police**
- 4. Public Works**
- 5. Library**
- 6. Planning and Zoning**

**B. APPROVE ACCOUNTS PAYABLE For Payment and Filing for September 2022**

**C. APPROVE MEETING MINUTES FOR Special Meeting of Sept 13, 2022**

~~Regular Meeting of Sept 15, 2022~~  
~~Special Meeting of Sept 29, 2022~~  
Special Meeting of Oct 5, 2022  
Special Meeting of Oct 11, 2022

Councilwoman Martinez motions to pull Accounts payable and Minutes for September 15<sup>th</sup> and 29<sup>th</sup>, 2022

**MOTION IS TO APPROVE Consent Agenda with the Exception of those items pulled for review.**  
**MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN MARTINEZ**  
**MOTION PASSED 7-0**

**MINUTES FOR CORRECTION**  
**SEPT 15 2022 PAGE 3 SHOULD READ I WOULD LIKE TO RESPOND AND ADDRESS ITEMS THAT WERE**  
**SEPT 15 2022 PAGE 6 SHOULD READ AND WERE TAKEN TO THE HOSPITAL!**  
**SEPT 29 2022 SHOULD READ SEPT 29 NOT 129**

**MOTION TO APPROVE MINUTES FOR SEPT 15<sup>TH</sup> AND 29<sup>TH</sup> WITH CORRECTIONS**  
**MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN MARTINEZ**  
**MOTION PASSED 7-0**

**ACCOUNTS PAYABLE**  
~~\$13,632 FOR LIGHTS AT LITTLE LEAGUE AND YSIDRO PARK-~~ yes new lights went in both places. This was part of a grant.  
~~#8485 IS THE DRUG TESTING AND PHYSICALS-staff will research and bring info back~~  
~~I KNOW WE ARE PURCHASING LATEX GLOVES WHO IS USING THESE~~ primarily the police.  
**VENDER 11049279 3 ITEMS CALLED OUT- 1 item was explained and staff will research and bring info back on other two.**  
~~CHECKS FOR OVER \$3000-most of these are for police officers retirement that was overpaid, another was for fuel.~~

**MOTION TO APPROVE SEPTEMBER ACCOUNTS PAYABLE WITH THE UDERSTAND THAT STAFF WILL MAKE AVAILABLE THE ITEMS REQUESTED FROM #8485 AND VENDER 11049279**  
**MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN DIETZ**  
**MOTION PASSED 7-0**

## **6. OLD BUSINESS**

- ~~A. Discussion and Action to Reconsider Appointment of Kennedy Ivy as Town Clerk~~
- ~~B. Appointment of Kennedy Ivy as Town Clerk~~
- ~~C. Appointment of Melissa Lovio as Town Clerk~~

## **D. REVIEW OF TOWN MANAGERS ITEMS FROM PREVIOUS AGENDAS**

- 1. INTRODUCTION OF NEW FINANCE MANAGER/TREASURER**  
INTRODUCTION OF GUILIA LEWIS AS FINANCE MANAGER. Also received call concerning billboards in town, company offering \$400 per quarter which is \$1600 per year, probably could get up to \$500 which would be \$2000. Something to think about.
- 2. FALLEN OFFICER MEMORIAL**  
Judge Lujan is on this, he is waiting for Saddlebrook Rotary to call. Sure they will be able to help in procuring the money for the stone.

### **3. CDBG PROCUREMENTS**

Everything has been spent. The SCATA system, this is for the remote control of the water system. That has not been done yet, but they are working on it and the County has already paid them for that. The air conditioning for the Town Hall has also been paid for. It should be going in soon. Bleachers still need to be put together, but they are here. So everything CBDG has been bought and paid for including the lights we spoke of earlier.

Councilman Brewer stated that he has heard many comments concerning the Ysidro Park and most all have been favorable. The residents appear to be happy.

### **4. BARKING DOG AND LEASH LAW ORDINANCE**

I have asked a study committee to get together. This will include Sharon, the Chief, and the Finance Manager Ms. Lewis. They will be searching other town codes and taking information that may best fit our town and come up with two ordinances that may strengthen our ability to control our issues of dogs at large and the barking dog problems. Guilia has already contacted Pinal County Animal Control and found that they are in violation of their contract-reason being they are short staffed. This will in time straighten out and the contract will continue, but as of now, we are not being billed, but we are not getting service either. So we are working on that.

### **5. REVIEW GAS USAGE BY PUBLIC WORKS**

When Public Works put gas in a vehicle they must put into the pump the odometer reading for each vehicle. They are also required to put their name and truck number on each receipt. So if someone is attempting to cheat the system out of \$20 worth of gas use and risk being fired, we are not seeing it. You are welcome to take the receipts and go through them yourselves if you feel you need to.

Councilwoman Martinez requests that the Finance Manager take a look at this item, as it appears that Public Works is using almost double the amount of fuel each month, more than the police force is using. This is \$1700 compared to \$650 each month, this is a huge difference.

\*\*\*There is multiple comments made, conclusion is to look into this and come back to council with a reasonable answer to this dilemma\*\*\*

### **6. TAKE HOME VEHICLE POLICY**

Town Manager has authorized Public Works Department Head to take a vehicle home. He lives close by and if needed in an after-hours emergency or when coming in the early morning hours he is not wasting time opening gates, parking personal vehicle, getting keys from the shop getting company vehicle, locking gates and then getting to these problems. It is just more efficient use of the vehicle and time. Again he must also write odometer readings as well.

### **7. AUCTION UNWANTED TOWN VEHICLES**

The Town Manager has found an auction facility that will pick up the vehicles, show them through an online site for wide exposure, and since we are a municipality, the cost more reasonable. There is about eight vehicles.

Councilwoman Martinez stated that Mammoth Residents should have first bids on these vehicles and then what does not sell or meet minimum bid price can then be sold through one of these types of auctions. The Town Manager agreed to look at this suggestion and come back to Council with more details.

### **8. INVENTORY OF EQUIPMENT**

Town Manager asked for clarification of what the Council was asking for. Council stated that it was looking at an inventory of tools and equipment at public works. The Town Manager will come back with the results of that inventory.

### **9. COVID SITUATION**

Good news is that Rural Pinal County is down to around 50 cases per week. It has not been that low in a long time. I would suggest it is time to return to Town Hall. The new air conditioner was paid with Covid monies, and it has new high quality filters. You might want to wait until they are in before you go back up there. But it is suggested that once that is in the move to Chambers be made.

**7. NEW BUSINESS**

**A. DISCUSSION AND SIGN LEASE WITH PINAL COUNTY FOR MAGISTRATE COURT**

This is a lease at \$1 per year for 5 years. We must take care of the utilities for our part. Town Managers recommendation is to sign the lease.

**MOTION IS TO ACCEPT LEASE AS WRITTEN AND APPROVE SIGNING OF LEASE FOR MAGISTRATE COURT.**

**MOTION BY COUNCILWOMAN MARTINEZ SECOND BY VICE MAYOR BUSTAMANTE  
MOTION PASSED 7-0**

**B. DISCUSSION AND APPROVAL TO PURCHASE LUNCH FOR PUBLIC WORKS CREW I  
RECOGNITION AND APPRECIATION FOR A JOB WELL DONE DURING THE LITTLE  
HOLLYWOOD WATER CRISIS**

**MOTION IS TO APPROVE “EMPLOYEES OF THE QUARTER” FOR THE PUBLIC WORKS  
CREW AND PROVIDING A LUNCHEON FOR THOSE EMPLOYEES**

**MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN DIETZ  
MOTION PASSED 7-0**

**C. DISCUSSION AND APPROVAL OF LOCKING TOWN CEMETERY AT NIGHT TO CONTROL  
VANDIALISM**

Councilwoman Martinez has notice that several sites in the cemetery have been vandalized and suggests that we begin closing and locking the gates. Time for closing 8pm till 5am except for Dia de los Muertos which we will leave it open.

There was some discussion on the pros and cons of locking the cemetery and who will close and open it.

**MOTION IS TO CLOSE AND LOCK GATES FROM 7PM TILL 6AM AND HAVE THE POLICE  
LOCK AND OPEN DURING PATROLING.**

**MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN MARTINEZ  
ROLL CALL VOTE**

<b>Mayor Armenta</b>	<b>YES</b>	<b>Vice Mayor Bustamante</b>	<b>YES</b>
<b>Councilwoman Martinez</b>	<b>YES</b>	<b>Councilman Martinez</b>	<b>NO</b>
<b>Councilman Dietz</b>	<b>YES</b>	<b>Councilman Brewer</b>	<b>NO</b>
<b>Councilwoman German</b>	<b>YES</b>		

**MOTION PASSED 5-2**

**D. DISCUSSION ON EXPANSION OF THE LIBRARY FOR TUTORING AND SMALL MEETINGS.  
DIRECT STAFF TO SEEK REQUIRED FUNDING TO ACCOMPLISH**

Councilwoman Martinez requested that Council look at directing staff to seek grant funding to expand the library using the existing area in front of the library that could be enclosed and would have a twofold function. One it would allow the police department to have the rooms it needs to complete the project they are working on and would also allow the library the space to bring back tutoring and it could also be used as a meeting room. Another advantage would be that the security of the police area would not be inviting to children as the door currently accessing the police lot is being used by the library. This would also allow the library to re-open the Arizona Work Force and DES computer which would be an advantage to our residents. She spoke with Pinal County who will not do renovations to the library because they do not own the building.

There was some further discussion by the Council concerning the Security Measures and the needs to complete the Officer barracks, and give space to the library all at the same time. The idea of the patio enclosure is new and seems to be the answer all the way around.

**MOTION IS TO DIRECT STAFF TO SEEK FUNDING AND PROCEED WITH THE POLICE  
AND LIBRARY RENOVATIONS TO MAKE POLICE DEPT. SECURE AND EXPAND AREA  
AND SERVICES TO THE LIBRARY.**

**MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN MARTINEZ  
MOTION PASSED 7-0**

- E. **DISCUSSION AND APPROVAL OF REQUESST FOR QUILTING LADIES TO USE THE COMMUNITY CENTER FOR TWO (2) HOURS EVERY THURSDAY**

**MOTION IS TO ALLOW SENIORS THE USE OF THE COMMUNITY CENTER ON THURSDAYS FOR TWO HOURS, FREE OF CHARGE.  
MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN MARTINEZ  
MOTION PASSED 7-0**

- F. **DISCUSSION THAT ALL TOWN COUNCIL MEETINGS SHALL CONTINUE TO USE ROBERT'S RULES OF ORDER**  
This is already in use as the Council meeting rules and will continue to be the rules by which the Council abides.  
Councilwoman Martinez motioned to Take no Action  
\*\*\*NOTE there was mention of reviewing these rules periodically. \*\*\*

**Entering MAMMOTH MUNICIPAL PROPERTIES CORPORATION AT 8:42pm**

**Roll Call of Directors**

<b>P. Armenta</b>	<b>E. Bustamante</b>	<b>A. Martinez</b>	<b>M. Martinez</b>
<b>I. German</b>	<b>J. Brewer</b>	<b>J. Dietz</b>	

8. **Discussion and Approval of Service Contract with John B. Schempf for Assistance with the Town of Mammoth USDA-RD \$7.5M Water Project**  
\*\*NOTE-Provider (Schempf) to commence on 11-1-22 and to include water project consulting, financial oversight, construction review, inspections and any other duties required by client (Town Council) –payment will be \$1250 per month with a minimum of 40 hours work per month. Shall be paid out of MMPC WATER PROJECT, USDA-RD GRANT. This contract will expire 10-31-23 and shall not exceed a total of \$15,000. (Full contract can be viewed at Town Hall if directed by Council)

**MOTION TO ACCEPT CONTRACT AS PRESENTED  
MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN MARTINEZ  
MOTION PASSED 7-0**

**Close MMPC and Resume Regular Meeting of the Council at 8:55pm**

- 9A. **EXCEPT TOWN MANAGER RESIGNATION LETTER**

**MOTION TO ACCEPT TOWN MANAGER RESIGNATION LETTER  
MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN MARTINEZ  
MOTION PASSED 7-0**

- B. **AGREE THAT MAYOR ARMENTA, IN ADDITION TO BEING THE SPOKESPERSON FOR THE TOWN, WILL ALSO BE THE PERSON TO WHOM THE HEADS OF DEPARTMENTS REPORT.**  
After a short discussion

**MOTION IS AS OF NOVEMBER 1, 2022 ALL DEPARTMENT HEADS WILL REPORT TO THE TOWN CLERK KENNEDY IVY.  
MOTION BY COUNCILWOMAN MARTINEZ SECOND BY COUNCILMAN BREWER  
MOTION PASSED 7-0**

10. **MAYOR AND COUNCIL COMMENTS**

**There is a program, it is for all elected officials. It is held in Phoenix and is a two-day event. The town will pay for it. It is very informative and we encourage the entire council to attend if possible. The league of Cities and Towns is your friend, they can help with all sorts of questions. Councilman Dietz stated that he has attended this conference before and it is great, you learn a lot. Accommodations and meals are paid by the Town.**

**COUNCILWOMAN MARTINEZ-** I would like this placed on the record. I want to Thank Public Works, I have received several phone calls from residents who walk their dogs or take their kids out at the Soccer Field. They said the Soccer Field has never looked as good as it has recently. You can actually see the lines, they went line for line with the blower. They took the time to make the field completely flat. They also did a great job at the cemetery. So, KODOOS to them. John, I also wanted to take a moment to thank you for everything you have done for this town. I may not have always agreed, but the one thing I can tell you, that I think we both agree on is, you've done a lot of wonderful things and you've brought a lot of value to this town. You have pulled us through some very tight spots financially and you have helped us through some tuff staffing issues. We think you've done an amazing job, you will be missed. So thank you very much.

**The full Council thanked Mr. Schempf for all his hard work.**

11.

**ADJOURN**

**MOTION TO ADJOURN AT 9:05PM**

**MOTION BY Councilman Martinez SECOND BY Councilwoman Martinez**

**MOTION Passed 7-0**

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

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**John Schempf, Interim Town Clerk**