



Town of Mammoth

TOWN OF MAMMOTH MINUTES OF A SPECIAL MEETING OF THE MAMMOTH TOWN COUNCIL DECEMBER 14TH, 2023 AT 4:30PM

1. CALL TO ORDER

Mayor Armenta called the meeting to order at 4:30PM

2. PLEDGE OF ALLEGIANCE

Vice Mayor Bustamante led the Pledge of Allegiance.

3. ROLL CALL

COUNCIL MEMBERS PRESENT

Councilwoman German
Councilman Barcelo
Councilman Brewer
Councilman Martinez
Mayor Armenta
Vice-Mayor Bustamante

STAFF PRESENT

Town Clerk – Giulia Lewis
Town Attorney – via Zoom
Chief of Police – H. Mueller
Public Works Manager – Bill H
Librarian – Laura M

COUNCIL MEMBERS ABSENT

Councilman Gallego

STAFF ABSENT

Discussion regarding Council members missing more than 3 meetings. Vice Mayor Bustamante stated that Councilman Gallego had the option of calling in as well. Town Clerk will confirm rules regarding number of allowed absences.

Motion was made to excuse Councilman Gallego absence by Councilwoman German, 2nd by Councilman Barcelo. Role call vote as followed:

Mayor Armenta – No
Vice-Mayor Bustamante – Yes
Councilman Martinez – Yes
Councilman Brewer - No
Councilwoman German – Yes
Councilman Barcelo – Yes

Motion to excuse Councilman Gallego’s absence passed 4 yes, to 2 no.

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Town of Mammoth

4. Council conduct interviews of three candidates for Town Clerk position.

Motion: To go into Executive Session

Motion By Councilwoman German **Second By** Councilman Martinez

Council Action: Passed XX **Defeated** _____ **Tabled** _____ **No Action** _____

Council members interviewed three candidates for Town Clerk position. After interviews were completed:

5. Council raises motion to return to regular session, to vote for Town Clerk appointment.

Motion: To go back into Regular Session

Motion By Councilwoman German **Second By** Councilman Martinez

Council Action: Passed XX **Defeated** _____ **Tabled** _____ **No Action** _____

6. Council members will vote for one candidate for Town Clerk position.

Council must vote for ONE candidate:

Councilman Brewer made a motion to hire Hector Moreno as Town Clerk, and motion was 2nd by Councilwoman German. Roll call of votes were as follows:

- Mayor Armenta – Yes**
- Vice-Mayor Bustamante – No**
- Councilman Martinez – Yes**
- Councilman Brewer - Yes**
- Councilwoman German – Yes**
- Councilman Barcelo – Yes**

Motion to hire Hector Moreno as Town Clerk passed 5 yes, to 1 no.

7. CALL TO PUBLIC

Vice Mayor Bustamante spoke about Neighborhood Watch program and updates on creation of new signs for public. Vice Mayor also asked for consideration of some funding to continue in the effort of making signs. Vice Mayor Bustamante also mentioned that the group will continue to make progress on addressing overgrown trees and brush that is obstructing sight, and thanked the Council for all their support.

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8. CONSENT AGENDA

A. Approval of staff recommendations and reports

1. Town Clerk Report
2. Police Report
3. Public Works Report
4. Library

B. Approval of Accounts Payable for Payment and YTD Budget Expenditures

1. Accounts Payable Items, December, 2023
2. Review of Expenditure V. Budget Year to date Report

C. Approval of Meeting Minutes

1. Minutes of the Regular Meeting November 16, 2023 and Special Meeting held on November 29, 2023

Vice Mayor Bustamante asked to have the Town Clerk’s report pulled. Per Town Attorney, this report will be pulled, and the remaining reports on Consent Agenda will be voted on. Clerks Reports will be discussed separately.

Motion would be to approve the Consent Agenda – Minus Town Clerks report.

Motion By: Councilman Martinez _____ Second By: Councilman Brewer _____
 Council Action: Passed XX _____ Defeated _____ Tabled _____ No Action _____

Roll call vote as follows:

- Mayor Armenta – Yes
- Vice-Mayor Bustamante – Yes
- Councilman Martinez – Yes
- Councilman Brewer - Yes
- Councilwoman German – Yes
- Councilman Barcelo – Yes

Motion passed to approve the Consent Agenda – Minus Town Clerks report.

Town Clerks Report review:

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Town of Mammoth

Vice Mayor Bustamante asked about the Application and rejection of CDBG Grant funding for the Town and whether or not that would impact the Town's ability to request additional funding – or reduce the amount of funding the Town can receive in the next year. The Town Clerk explained that not getting CDBG funds in this year will not impact either the amount or the Town's ability to reapply next year for the funds. Town Clerk provided more details around preparation work happening to try and get Town ready to reapply for funding next year.

Motion to accept Town Clerks Report made by Councilman Martinez, 2nd by Councilwoman German, motion passed with all aye votes.

9. Approval of expenditure to fix safety issue on Police vehicle – Ford Explorer (only other Police unit available). See quote attached. Oro Ford was given authorization to proceed with work because of the urgent need for this vehicle. Total amount \$4070.

Discussion around how to recoup some of these funds by auctioning off excess vehicles.

Motion: Councilman Brewer _____ Second By Councilman Martinez _____
Council Action: Passed XXX Defeated _____ Tabled _____ No Action _____

10. Request from Planning & Zoning to approve extension of zoning variance granted to town resident Edward Hostetlar which will allow him to keep RV on his property until it can be replaced with approved structure.

Discussion: Mayor Armenta asked Debora Foster – Chairperson for Planning & Zoning, who this individual was. Debora submitted this Agenda Action form. Debora shared that this was her neighbor. Debora submitted this Agenda Action form for Ed Hostetlar. Councilman Brewer stated that there has been a number of complaints about this gentleman and stated that he had already been given a full year to comply. Councilman Brewer stated that Debora should never have approved the variance since she was the legal property owner of the property in question and Debora is collecting rent from Ed Hostetlar. Debora Foster should have submitted the request for extension herself, not for Ed Hostetlar, because Planning & Zoning only works with property owners.

Additional discussion regarding the option of modifying the extension timing and Town Clerk asked Debora Foster to clarify that Ed Hostetlar was only supposed to bring a PARK MODEL home onto that property, and if Debora had verified that this was in fact the case. Debora stated she had NOT verified this fact but did agree that this was the conditions of having extension granted.

Councilman Brewer asked Town Attorney to weigh in on the fact that Debora Foster misrepresented both the request for variance and herself being property owner to both the Planning & Zoning members and Town Council. Town Attorney agreed that Debora Foster did misrepresent this variance request and that any decision coming out of the P&Z meeting, since Debora did not disclose the fact that she was the property owner, and did not recuse herself from voting, should not be considered by the Council.

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Town of Mammoth



Debora stated that even if she had not voted during the Planning & Zoning meeting, the motion still would have passed, but Town Attorney stated that this was not correct, that is not how it works and that Debora should have disclosed this before the meeting and recused herself.

Councilman Bustamante asked Brads opinion of whether the Council should be voting on this decision and Town Attorney's recommendation was not to PASS this request because it was not a true, accurate and legal decision. Councilman Bustamante asked Town Attorney if this could be sent back to P & Z and for clarification on if the Tabled motion would squash the item. Town Attorney explained how each Council Action will impact the decision stating that Defeating the motion would allow it to go back to Planning & Zoning for reconsideration and Tabling the motion would allow for the Council to review the matter at a later time, but would essentially put the item in limbo because this request was misrepresented to the Planning & Zoning Committee.

Motion was raised by Councilman Barcelo to Table the motion, and 2nd by Councilwoman German. A role call vote was completed as follows:

Mayor Armenta – Yes

Vice-Mayor Bustamante – Yes

Councilman Martinez – Yes

Councilman Brewer - Yes

Councilwoman German – Yes

Councilman Barcelo – Yes

Motion: Councilman Barcelo Second By Councilwoman German

Council Action: Passed Defeated Tabled XX No Action

10a. Council Comments

Vice Mayor Bustamante mentioned an article about water rights with subdivisions and how the legislature is looking and making changes.

Councilman Brewer made statement about P & Z and how the decisions made by the board impact the town.

Mayor Armenta shared about the recent Christmas party with Build a Bear was a great success.

11. Motion to adjourn made by Councilman Martinez, 2nd by Councilwoman German, all votes aye. Council adjourned at 6:43pm.

The undersigned hereby certifies that a copy of this notice was posted at the Mammoth Town Hall on Dec 22, 2023 by 5 p.m.

A handwritten signature in cursive script that reads "Giulia Lewis".

Giulia Lewis, Town Clerk

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