

Not much action for Town Council in new year

By Lara Kirkner
Mammoth Times Staff Writer

Town Council eased into the new year at their meeting Thursday, Jan. 5 with a relatively short agenda. There were, however, several big ticket items embedded in the list, and the meeting did not adjourn until 9 p.m. The meeting ending up being more of a time for discussions than actions.

Bill Taylor, Deputy Community Development Director for the Town of Mammoth Lakes, gave a presentation on issues related to fractional ownership of single family residences. A home on Forest Trail located in a Residential Single Family Zone (RSF Zone) is currently being advertised for sale as a fractional ownership. Fractional ownerships are defined in the Municipal Code as a form of time-share, which is further defined in State law, and is not permitted in an RSF Zone.

According to staff they do not have enough information yet to determine whether it is or is not a timeshare, and therefore it is premature to determine whether or not a violation has been made. Staff was coming to the Town Council and asking for some direction, but no action was taken.

The listing agent for the property, Peter Maw, was present at the meeting and commented that fractional ownership is the wave of the future and will continue to increase.

Initiative bounces back

The Community Services Initiative that council had proposed in 2005, but had put on the backburner for a while, was back on the table at the Jan. 5 meeting. Council members Tony Barrett and Kirk Stapp had revised the initiative to a form they believed better reflects what the community wants. The pair had conducted a telephone survey, and the items addressed on the initiative are those they claim were high priority items as identified by the survey.

The initiative is a tax concept for discussion that would assist the Town in



MAMMOTH TIMES PHOTOS/LARA KIRKNER

Cheryl Rosenquist, Executive Assistant to the Police Chief, received a recognition award for her five years of service to the town at last week's Town Council meeting.

funding various community services and facilities. If the initiative gets through the council it will be placed on the ballot for voters in the June election. The suggestion is to increase sales tax by .5 percent, and the Transient Occupancy Tax (TOT) by 1 percent.

Some of the facilities and services suggested to receive funding from the new sales tax are the new library, local child care and workforce housing. An increase in the TOT would be used to fund transportation with \$750,000.

Mayor Rick Wood was not supportive of the initiative because he felt the timing was bad and that there was not enough focus on the transportation segment.

"\$750,000 is not meaningful," Wood said. "People are not the problem, cars are."

Wood stated in a telephone interview on Friday, Jan. 6 that he did not like the allocation of revenue as presented.

"Like I said at the meeting, I cannot support the initiative at this time," Wood said. "I would argue for a different allocation."



Several individuals came forward to support a committee suggested by Mayor Pro Tem Tony Barrett to explore the use and procurement of Automated External Defibrillators (AEDs). Pictured are two types of AEDs.

Council members Stapp and Barrett disagreed and claimed they truly believe that the initiative is good for the community.

No action was taken on the item and it will be reagendaized over the course of the next few council meetings.

AEDs to appear in a location near you

A committee will be formed at the suggestion of Mayor Pro Tem and councilman Barrett to explore the procurement and use of Automated External Defibrillators (AEDs).

After a local community member was saved last month by an AED in a central location, Barrett realized it would be to the benefit of the community to have more AEDs in public places.

Gary Myers, CEO of Mammoth Hospital, stepped up to the plate with an offer that council couldn't refuse.

"Forming this committee is very worthwhile, and I would like to make the offer that the healthcare district will take the lead on this issue," Myers said.

Barrett volunteered to be a representative on the committee, and a member of Search and Rescue stated that SAR would like to be involved as well.

AEDs have become more oriented to-

ward non-medical people over the years, and today card dealers in casinos, among others, are using them to save people's lives.

The next Town Council meeting will be held on Wednesday, Jan. 18 at 6 p.m. in Suite Z. —MT

Mayor Wood will not run in June election

Mayor Rick Wood notified several personal friends on Thursday, Jan. 5 that he will not run for reelection in the June 2006 campaign. The statement was made public on Friday, Jan. 6.

"Since the town does not have term limits, you have to decide on your own when is a good time to get out," Wood said in a telephone interview on Friday. "I believe that eight years is a good time, and I would like to provide an opportunity for others who have ideas."

Wood claimed that he did not make this announcement at the Town Council meeting on the evening of Jan. 5, even though he had made up his mind because the council had business to conduct.

"It's easy to grandstand, and I was trying not to do that," Wood said. "It's one thing to announce that you are running, but it seems a little self-centered to announce that you're not."

Wood also stated that he wanted to get the word out now so that others would have the opportunity to put their campaigns together.

"I would support someone with a passion for what he or she feels is important and who is articulate," Wood said. "I would also support a centrist; someone with a balanced perspective, but I don't want to speculate on who will run."

Wood claimed he still plans on being actively involved as a member of the community.

"I may be removing myself from the decision making, but I still want to throw my two cents in," he added.

Two views from inside the gate

Public wants guaranteed access, homeowners want property protection

By Lara Kirkner
Mammoth Times Staff Writer

When the Town Council vacated the public right of way on Ranch Road at their Dec. 7, 2005 meeting, the situation between homeowners and snow enthusiasts accessing the Sherwins came to the forefront again. Now, members of the public who enjoy recreational activities in the Sherwins are questioning council and claiming that council is not sticking to what it said when the gate on Ranch Road was approved in September 2005.

"We just want to clear up confusing language, and we want the council to do what they said they would do, which is to give some kind of legal guarantee of public access to the Sherwins," said John Wentworth, one of the main advocates for giving the right of way back to the public.

Wentworth and others started a petition on Dec. 27, 2005 to have the road vacation resolution 2005-114 sent back to the Town Council. The petition began circulation after

Wentworth spoke to the Bridgeport County Offices on Dec. 22, 2005. He stated that the county clerk was able to verify that the resolution had been recorded but a public easement had not been written in.

Wentworth stated that by their deadline of Friday, Jan. 6, they had obtained 635 signatures.

"We presented the signatures to Anita Hatter and she claimed that we had enough to be sent to Bridgeport to be verified," Wentworth said.

The petition needs 349 authorized signatures. An authorized signature is a signature from a registered voter. If 349 signatures are verified then the resolution must go back to Town Council in order to give them a chance to remedy it. If the Town Council does not remedy the resolution then the issue becomes a public referendum that will be put on the June 2006 ballot, according to Wentworth.

According to Mayor Pro Tem and council member Tony Barrett, the petition was not done in a forthright way. "I am all for petitions but you have to be honest," Barrett said. He claimed that Wentworth and others who were circulating the petition were not giving complete information about the resolution that they were protesting.



MAMMOTH TIMES PHOTOS/LARA KIRKNER

A recent vacation of public right of way on the other side of this gate on Ranch Road is being scrutinized by members of the public who were under the impression that public access would still be protected when the gate was approved in September 2005.

"I didn't lie or misrepresent anything," Wentworth said. "All of the people circulating the petition had copies of the resolution in hand. People knew what they were signing. It is just a confusing situation."

Wentworth said that the county offices told him that the Fairway Ranch homeowners owned the land that the gate was on when in reality it is Chadmar who owns the property (along with the Snowcreek Golf Course), while the homeowners own

the gate.

At press time Wentworth was on his way to a meeting with Town engineers to discuss how an expensive gate owned by one party would be built on someone else's land.

"It's just not something that happens often," Wentworth said.

The resolution vacated (released) a 60-

Please see "GATE" MT page 7

Water District clarifies water quality problem

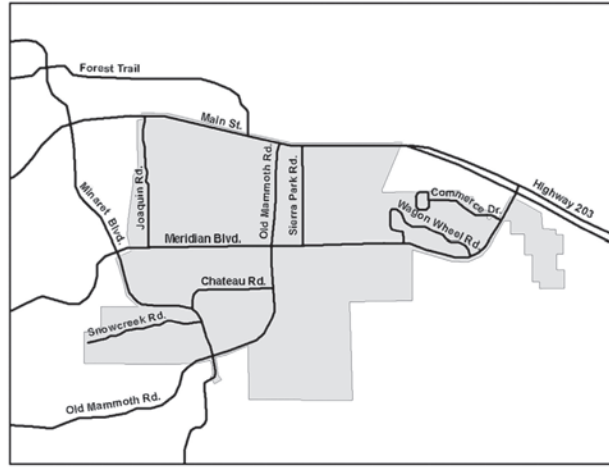
During the Christmas holiday weekend through New Year's weekend some Mammoth Community Water District customers experienced intermittent water quality problems. Water supplied to customers in the section of town south of Main Street, north of Old Mammoth Road, and east of Minaret Road may have been impacted by increased pH levels. Water was safe to drink during this time, but elevated pH levels may have caused a noticeable taste in the tap water and also problems with electric water heaters. The problem was identified shortly after the New Year's weekend and was immediately corrected.

The main problem with this temporary water quality issue was associated with bicarbonate scaling on electric water heater elements. Any customers residing in the identified areas that had problems with their electric water heaters during the last week of December through the first few days of January should contact the District at (760) 934-2596.

The District recently replaced filter media at both groundwater treatment plants that resulted in a temporary change in the chemistry of the water leaving one of the plants. Depending upon where customers reside in town, they may receive groundwater, surface water or a mixture of the two. Customers residing in the portion of town

described above, at times received only groundwater from the treatment plant. Other portions of town, such as the Chair 15 area, also received this water but it was mixed with surface water. The District has only received reports of problems with water heater east of Minaret Road, but other locations could possibly have been affected.

The District would like to assure all customers that their water is currently safe to drink and was safe during this temporary period of reduced water quality. Regular water quality monitoring has indicated that no health risks are associated with this problem. The District would also like to thank Robert Anderson of Anderson Plumbing for his work with the District on this issue. For any questions or concerns, please feel free to contact the District during normal business hours at the phone number listed above. —MCWD



Areas affected by the water quality problem

SUBMITTED PHOTO

POLICE BEAT

The law requires that arrest information be made available to the public. The following suspects were booked by the Mammoth Lakes Police Department last week. Names of juveniles (under 18 years) are not public. Suspect information and ongoing investigation details are also withheld. Since most cases have yet to be adjudicated, all charges should be considered allegations.

According to Mammoth Lakes Police Chief Michael Donnelly, the police department provides the name, age and city of residence for suspects arrested for misdemeanors and felonies. Names are not reported publicly on issues involving infractions. Victims' identities are never made public. For questions about what is and is not an infraction, please call the MLPD at (760) 934-2011.

Monday, December 26

- Non-injury accident on Hwy 203 at the Scenic Loop.
- Non-injury accident on Kelly Road and Tyrol Lane.
- Miscellaneous incident report at Mountain Back on Lakeview Boulevard.
- Grand theft at MMSA Main Lodge.
- Battery at Minaret Cinemas.
- Unlawful sexual intercourse with a person under 18.
- Informational report in Mammoth area.
- Theft of access card at Rite Aid.

Tuesday, December 27

- Miscellaneous incident report on Minaret Boulevard.
- Petty theft at Sierra Manors Apartments.
- Theft of access card at Snowgoose MMSA lodging.

Wednesday, December 28

- Non-injury accident at Lake Mary and Lakeview Boulevard.

- Young Kim arrested at Main Lodge for petty theft.
- Defrauding proprietors at Canyon Lodge.
- Vehicle taken without owner's consent on South Frontage Road.
- Miscellaneous incident report at Mammoth Creek Condos.
- Defrauding proprietors at Sierra Lodge.
- Vandalism at Dublin's.
- Informational report in the Mammoth Area.

Thursday, December 29

- Solomon Daniel Slagle arrested at Whiskey Creek for being under the influence.
- Trever James Woodruff arrested at Whiskey Creek for being under the influence.
- Defrauding proprietors at MMSA Main Lodge.
- Non-injury accident on Laurel Mountain Road.
- Vandalism at Sierra Manors Apartments.
- Scott Richard Peters arrested at The Village for obstructing business operators and being under the influence.
- Armen Norhadian arrested at Eagle Run for assault with a deadly weapon.
- Hit and run at Meridian Boulevard and Majestic Pines.

Friday, December 30

- Luis Angel Fierro arrested at Main Street and Center Street for possessing drug paraphernalia.
- Celia Desaree Kelly arrested at Lakanuki for being under the influence.
- Jacob Tyler Wallace arrested on Manzanita Street for DUI.
- Michael Edwin Elliott arrested at the Sierra Center Mall for warrant service.

- Richard Scott Peters arrested at MMSA Main Lodge for obstructing or intimidating business operators.
- Vandalism at Chair 2 parking lot.
- Grand theft at Krystal Villas West.
- Burglary at apartments on Mono Street.
- Lost property at Plaza Theater.

Saturday, December 31

- Hit and run on South Frontage Road.
- Andrew James Richards arrested at St. Moritz Condos for vandalism.
- Gregor Knussi arrested at Mountain Shadows for battery and assault with a deadly weapon.
- Brett Alan Hall arrested at Motel 6 for unauthorized possession of marijuana.
- Christopher Drake Whitcraft arrested at Motel 6 for unauthorized possession of marijuana.

MLPD Tipline
If you have information to report to the police department you can use MLPD's anonymous tipline. Access the line by calling (760) 934-3261 or visit www.mammothlakespd.org to send a tip in by e-mail. Both lines are completely anonymous. You do not have to use your own e-mail address or give your name. —MLPD

Gate continued from MT 4

According to Tim Sanford, who represents the Homeowner's Association on Ranch Road, the homeowners still have no problem with pedestrians walking on their property to access the Sherwins, they just don't want vehicular traffic coming through and they don't want their property rights ignored.

According to the minutes from the Sept. 7, 2005, Town Council meeting when the gate was approved, "Peter Tracy, Town Attorney, spoke for the record about prescriptive rights, citing Civil Code Section 1008 that the homeowners posted at the entrance of their property, which protects not only their roadways, streets and right of way, but also the property itself. In addition, Civil Code Section 1009 protects owners from claims by the public where they are kind enough to allow public use of their property and no public use will ripen into an easement."

Those minutes also contain the "Findings for Use Permit Approval" and the "Use Permit Conditions" that went along with that approval. In the "Findings for Use Permit Approval," it is stated: "Given the location of the proposed gate within a remote area of the Old Mammoth community and the fact that the gate would only service the Fairway Ranch and Ranch at Snowcreek subdivisions and would not obstruct pedestrian access, the Council finds that the location is appropriate and would not pose a 'separation of neighborhoods' issue."

Condition five states, "Pedestrian access shall be provided with the vehicular access gate improvements."

"The reason the town vacated the road on Dec. 7 was due to the fact that we had to move the gate outward from where it was originally supposed to go in order to have it include all of the homeowners in the Homeowner's Association related to Fairway Ranch and the Ranch at Snowcreek," Barrett said.

The question that will be before Town Council if the resolution is sent back to be remedied is how to guarantee the pedestrian access that was promised when the gate was passed, while also protecting the homeowner's rights.

Barrett attended a meeting last week with Chuck Lande of Chadmar, and Wentworth. According to Barrett, several proposals were presented to Wentworth, but Wentworth claimed he could not speak for the group of people who had signed the petition.

"I have spoken to Father Andy at St. Joseph's Church, who has agreed to let those people accessing the Sherwins park their cars in the church's parking lot as long as I figure out how to have snow removal done in the parking lot," Barrett said. "That way, people coming down from the Sherwins could go around the backside of [a homeowner's] house at the very end of Ranch Road, down the driveway and then walk down Ranch Road and exit through the gate."

This would be a conditional easement that would go away once Lande's future plan of public access to the Sherwins is put in place. This plan is looking to extend Sherwin Road out to the motocross track and then back around to the Snowcreek Golf Course. A parking lot would be put in place somewhere along this path.

"The plan would allow complete access to the Sherwins," Barrett said.

Discussions would have to be had with the Forest Service to see what they would allow, but it is a goal for the future.

Barrett said that Wentworth has verbally agreed to the conditional easement and the future extension of Sherwin Road but that nothing has been signed yet. Barrett also said that Wentworth did not think he could legally withdraw his petition from the courts in Bridgeport, even though he was agreeing to Lande's proposals.

"We had the meeting on Thursday morning (Jan. 5) and the petition had to be filed by Jan. 6," Wentworth said. "I knew we couldn't come up with an easement overnight so while I agreed in principle to the proposals, I still had to file the petition. This problem will not be solved in one week. It needs to receive a lot of time and thought from public officials."

As for the homeowners, they continue to deal with people walking across their properties. The above mentioned homeowner who did not want to be named claimed that three reports were filed over the weekend of Jan. 7 and 8, for members of the public yelling obscenities at homeowners. These violators cannot be cited by the police because the violations are occurring on private property. "The only citation we can give on private property is to someone who has parked in a handicapped spot without the correct sticker," said Community Service Officer Crystal Scherer. —MT

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