



**WORKSHOP AND
REGULAR COUNCIL MEETING**
January 7, 2015
103 Water St. Elephant Butte, NM 87935
ACTION MINUTES

WORKSHOP 1:00pm

PRELIMINARY FLOOR PLAN – ANNEX

Manager Briley presented the preliminary floor plan that was submitted by the Designers in December, along a list of comments that the City Staff put together regarding traffic flow, current needs, and safety concerns.

Yolanda Montoya and Bernice Grijalva, members of the Design team, introduced themselves.

Members of the Council discussed suggested changes to the floorplan with the designers.

Highlights of the discussion included eliminating the Courtroom, and using the Council Chambers for both council and courtroom; moving the Judge's chambers; opening up the front area to allow more productive traffic flow; location of break room; having mailboxes in Conference room for Council; and the main entrance. The Council also emphasized to the designers that they would like the elevation to have the same feel as the existing building, and tie into their vision of a "City Center".

Planner Dyjak presented a representation of an alternative design, taking into account some of the suggested changes.

The Designers quoted a 3-4 week timeline from approval of floorplan to having a full set of building plans.

Floorplan modifications will be submitted by the end of this week.

HWY 195 & WARM SPRINGS SIGNAGE, CROSSWALKS & IMPROVEMENTS

Manager Briley asked the Council for suggestions for the colors & design of seasonal banners for the light poles. Some of the suggestions were: write "City of" in large white letters across the top, "Elephant Butte" down the side in the same size font with maroon background and yellow accent color, doing away with slogan "let the fun begin".

REGULAR COUNCIL MEETING - 2:00pm
103 WATER STREET
ELEPHANT BUTTE

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Kent called the Regular Meeting to order at 2:00 PM, and Mayor Pro-Tem Skinner led the Pledge of Allegiance. 8 members of the public and two members of the Press attended.

ROLL CALL

Karen Rieth, Clerk-Treasurer called the roll. Mayor Kent, Mayor Pro-Tem Skinner, Councilor LaFont, Councilor Rogers, and Councilor Stagner were all present.

Also present was City Manager Alan Briley, City Attorney Charles Rennick, and City Planner Bradford Dyjak.

STATEMENT OF OPEN MEETINGS RESOLUTION AND THREE MINUTE LIMIT PER SPEAKER ON ALL ISSUES

PUBLIC INPUT

None.

PRESENTATIONS

None.

APPROVAL OF AGENDA

Mayor Kent asked for a motion to approve the Agenda.

- ➔ **Councilor Rogers made a motion to approve the Agenda as submitted. Councilor Stagner seconded. The motion carried unanimously.**

BOARDS AND COMMITTEE APPOINTMENTS AND COMMITTEE REPORTS

None.

MAYOR & COUNCIL REPORTS

Mayor Pro-Tem Skinner had no report at this time.

Councilor Lafont wished everyone a Happy New year.

Councilor Rogers had no report at this time.

Councilor Stagner presented the Council with her letter of resignation, announcing that her last meeting will be January 21, 2015.

Mayor Kent reported meeting with Liz Foster regarding an event for St. Patrick's Day. The plans would involve local restaurants and be modeled after "taste of..." celebrations. Paula Baker has volunteered to help with the planning, along with the Event planner and committee from the RV Resort. Mayor Kent asked the other Councilors for input. Councilor Lafont recused himself due to a conflict of interest. Mayor Pro-Tem Skinner indicated that the Chamber would be willing to help in any way they can, and offered her support as a Councilor. Councilor Stagner and Councilor Rogers also indicated support.

MANAGER'S REPORT

Manager Briley reported on meeting with the Mayor and representatives from the Game and Fish Department. Game and Fish indicated they would be willing to partner with Media Day and Outdoor Adventure Day marketing to help bring in more visitors.

Manager Briley reported that the exercise group that rents the Community Center is pleased with the work that has been done and would like to renew their contract.

Manager Briley met with the Friends of Elephant Butte Lake State Park on plans for the July 4th RV & Boat Show, and plans are going forward. Mayor Kent asked if Rick Harrison has met with local Boat dealers. Mr. Harrison indicated that he has met with Bob Owen, and Bob Owen has agreed to be a sponsor.

Manager Briley requested help from anyone who knows Mr. Neff, to help with asking Mr. Neff to please contact the City regarding an Easement on his property for Phase IVA Sewer.

Manager Briley announced that there would be a Lodgers Tax meeting tomorrow at 9am. Some of the reimbursement grant money has been received, and another round of grant money has been requested.

Planner Dyjak reported on the Planning and Zoning meeting yesterday (report included for the record).

Work has been started for the Monument Sign across from the VFW.

Bid for lettering, logo, and electrical work on the Monument Signs was awarded to Don Gustin.

Planner Dyjak thanked Mr. Leavitt for his help with Code Enforcement.

Clerk Rieth reported working with Code Enforcement to track businesses operating without Registrations, and will continue to do so. Clerk Rieth reported working on End of Year reports for the Calendar year 2014. W2s and 1099s will be going out by the end of the month.

CONSENT ITEMS

Mayor Kent asked for a motion to approve the Consent Items

- Approval of Minutes –Regular Meeting, December 3, 2014
- **Councilor Rogers made a motion to approve the Consent Item(s) as submitted. Councilor Stagner seconded.**

A Roll Call vote was held:

Mayor Pro-Tem Skinner voted yes.

Councilor Lafont voted yes.

Councilor Rogers voted yes.

Councilor Stagner voted yes.

Motion carried.

PUBLIC HEARING

Inter-Local Dispenser Liquor License Transfer - #A-919178: Turtle on the Rocks, LLC – 101 Clubhouse Drive

Planner Dyjak explained that a Liquor License Transfer of an existing inter-Local Licensing was found favorable by a preliminary review of the State Alcohol and Gaming Division. State Law requires the local body to hold a public hearing, and can only deny if one or more of three conditions exist:

- If the location is within 300 feet of a church or school
- If the transfer would violate City zoning laws
- If the issuance of the transfer would be detrimental to public health or safety

Since it was found that none of these conditions exist, the recommendation from Staff is to pass the Transfer Application.

Mayor Kent opened the hearing for Public Comment.

Mark Rhoades, Attorney for Turtle on the Rocks, LLC explained the process of applying for a liquor license, and offered to answer any questions from the Council.

There being no further comments, Mayor Kent closed the hearing to the public and asked if the Council had any discussion. There being none;

- ➔ **Councilor Lafont made a motion to approve Liquor License Transfer A-919178 to Turtle on the Rocks, LLC, 101 Clubhouse Drive. Councilor Rogers seconded.**

A Roll Call vote was held:

**Mayor Pro-Tem Skinner voted yes.
Councilor Lafont voted yes.
Councilor Rogers voted yes.
Councilor Stagner voted yes.
Motion carried.**

REGULAR ITEMS

Resolution #14-15-332- Nuisances at 120 Calle del Contento – deferred from December 3, 2014

Planner Dyjak reviewed the progress and showed current photos of the property. Planner Dyjak and Code Enforcement agreed that the property is now compliant, and recommended rescinding the Resolution.

- ➔ **Mayor Pro-Tem Skinner made a motion to Rescind Resolution #14-15-332 – Nuisances at 120 Calle del Contento. Councilor Lafont seconded.**

A Roll Call vote was held:

**Mayor Pro-Tem Skinner voted yes.
Councilor Lafont voted yes.
Councilor Rogers voted yes.
Councilor Stagner voted yes.
Motion carried**

Resolution #14-15-333 – Nuisances at 139 Camino Encantado – tabled from December 3, 2014

Planner Dyjak explained that the progress at the property is 90% completed and recommended withdrawing the resolution from consideration. Mr. Rob Leavitt explained that the registered owner has passed away, and property is in probate.

Mayor Pro-Tem Skinner asked how long it would take to complete the remaining work.

Planner Dyjak explained that the probate attorney and paralegal actually came down and did the work themselves, and feels that there will be complete compliance.

Councilor Rogers asked how long the probate would take.

Planner Dyjak answered that although the attorney indicated they would like to dispose of the property quickly, no exact date has been established.

The Council asked City Attorney Rennick for advice on how to properly proceed.

Attorney Rennick explained that the Council could approve, reject, table, or allow staff to withdraw the resolution.

Councilor Lafont expressed some concern that all of the work was not yet complete, and therefore would prefer to table the resolution.

- **Mayor Pro-Tem Skinner made a motion to Table Resolution #14-15-333 for one month. Councilor Lafont seconded.**

A Roll Call vote was held:

Mayor Pro-Tem Skinner voted yes.

Councilor Lafont voted yes.

Councilor Rogers voted yes.

Councilor Stagner voted yes.

Motion carried.

Designation of Karen Rieth as Certified Procurement Officer

Manager Briley reminded the Council of the new Procurement requirements discussed at the previous meeting, and explained that now local governing bodies are required to designate a Certified Procurement Officer. Karen Rieth has already signed up for certification classes, which are scheduled to begin January 26.

There being no further questions or comments;

- **Councilor Stagner made a motion to appoint Karen Rieth as the Certified Procurement Officer. Mayor Pro-Tem Skinner seconded. The motion carried unanimously.**

Consideration and possible action to adopt Resolution# 14-15-337, a Resolution Amending the Drug and Alcohol Abuse Policy of the City of Elephant Butte.

Attorney Rennick explained that the Drug and Alcohol policy that was adopted at the December meeting is the State policy that is designed for the many state agencies and there are three areas that need clarification:

- Where Board and Director are mentioned, Board would be defined as the City Council, and Director would be defined as the City Manager.
- The current policy allows for drug testing under (one) reasonable suspicion, and (two) on the basis of random testing for safety sensitive positions. One option allows the City Manager to decide what a safety sensitive position is without having to come back to the Council for approval. The other option says the Manager or the Council can decide what is safety sensitive, but the Manager has to come back to the Council for approval
- One option defines safety sensitive positions as drivers of City vehicles.
- Both options delegate authority to the City Manager to schedule and implement some sort of routine for testing

Attorney Rennick provided two options for the Resolution:

- In Option A, the City Manager designates the safety sensitive positions and is not required to return to the Council for approval
- In Option B, safety sensitive is defined as operators of City vehicles, and allows either the Governing Body or the City Manager to add to these positions, but if it's the City Manager, he must come back to the Council for approval.

Mayor Pro-Tem Skinner asked for clarification that this amendment does not change the original intent that included an option for blood testing.

City Manager stated that the option for blood testing was in the original Resolution, and is not changed by this amendment.

→ **Councilor Lafont made a motion to accept Option B, Resolution # 14-15-337 Mayor Pro-Tem Skinner Seconded.**

A Roll Call vote was held:

Mayor Pro-Tem Skinner voted yes.

Councilor Lafont voted yes.

Councilor Rogers voted yes.

Councilor Stagner voted yes.

Motion carried.

EXECUTIVE SESSION

→ **At 2:59pm, Councilor Stagner motioned to go into Executive Session pertaining to the purchase, acquisition or disposal of real property or water rights by the public body pursuant to NMSA 1978, Section 10-15-1(H)(8); and Threatened or pending litigation pursuant to NMSA 1978, Section 10-15-1(H)(7); and Limited Personnel Matters pursuant to NMSA 1978, Section 10-15-1(H)(2). Mayor Pro-Tem Skinner seconded.**

A roll call vote was conducted by the City Clerk.

Mayor Pro-Tem Skinner voted yes.

Councilor Lafont voted yes.

Councilor Rogers voted yes.

Councilor Stagner voted yes.

Motion carried.

Following a five minute break, Council went into Executive Session.

At 5:12pm the Council came out of Executive Session.

Councilor LaFont certified that no decisions had been made during Executive Session and that only matters on the agenda under Executive Session were discussed. The regular meeting reconvened.

Discussion and possible action regarding the purchase or acquisition of real property, Parcel PA-C (Preliminary parcel description), consisting of approximately 5.1 acres of land, Turtleback Mountain Resort Development, Turtleback Mountain Partners, LLC, owners.

- ➔ Councilor Rogers made a motion to Table the land acquisition discussion. Councilor Lafont seconded. The motion carried unanimously.

ADJOURNMENT

- ➔ Councilor Rogers made a motion to adjourn. Mayor Pro-Tem Skinner seconded. The meeting adjourned at 5:18pm
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Minutes adopted at the Regular meeting on January 21, 2015

Karen Rieth, City Clerk -Treasurer