



**WORKSHOP AND
REGULAR COUNCIL MEETING
February 18, 2015
103 Water St. Elephant Butte, NM 87935
ACTION MINUTES**

WORKSHOP MINUTES – 1:00pm

CONSIDERATION OF RENAMING OF HWY 195

Manager Briley read through a list of about 47 suggested names that have been submitted.

Brother Art Carmona, Al Norton, and Dallas Lipscomb, representing the VFW and American Legion Auxiliary, spoke about a petition that is being passed around to recommend “Veteran’s Memorial Parkway” or “Veteran’s Parkway” as the new name.

Mayor Kent reminded the Council that Truth or Consequences already has the Veteran’s Memorial, and we did receive a little push back when we were considering a small veteran’s park. Mayor Pro-Tem Skinner recalled receiving feedback from constituents stating they were offended that we would try to copy T or C, misunderstanding the Council’s intention.

Mayor Kent stressed that we would need to be careful in how we approach this, wanting to work with the support of the VFW and Auxiliary to make it clear that this would follow the patriotic theme of our City.

Mr. Norton stated he would prefer the name to be “Veteran’s parkway”, since the word memorial brings to mind only passed veterans.

Sheridan Fuss from the Planning and Zoning Commission reminded the Council of the Letter from P&Z, recommending “Butte Blvd.”, and then stated that after hearing the presentation, agreed with Mr. Norton, that the name should include Present and Future Veteran’s, but that Butte still needs to be included and suggested the name “Butte Veteran’s Blvd.” Mr. Fuss believes this covers the Butte identity, as well as tying into the most patriotic city theme.

Mayor Pro-Tem Skinner agreed with Mr. Fuss, stating that there are multiple generations of families that have memories of coming to the “Butte” and tying that in with the patriotic theme to come up with Butte Veteran’s Blvd would be perfect.

Councilor Rogers contributed names that he had received: Roadrunner Parkway, Butte Blvd, Mesquite Blvd, Yucca Blvd, and Lago Linda.

Manager Briley asked the Council for some direction on how to proceed. Mayor Kent responded we should develop a process. First we should get a letter, or card, or some notification to all property owners. Then Set a deadline, and then decide how we will vote or decide. Members of the Council agreed that the final decision should come from the Council itself.

Rick Harrison suggested narrowing the list down to 5 names, and publish them, asking people to input on Facebook.

DISCUSSION OF LGRF-STREET PROJECTS 2015-2016, AND ROCK CANYON ROAD

Manager Briley explained that the next round of Local Government Road Fund Money requests are coming up. The project includes Black Range, San Mateo, and Mescal. Zia Engineering developed the

plans, and cost estimates have come in very high. Black Range & San Mateo will take approximately \$120K - \$130K, which is about 2 years' worth of co-op monies. The Mescal drainage issues are more extensive, and therefore that project will cost approximately \$300K. We have to spend the co-op money by the end of 2016, so we are not able to save up to do Mescal. Manager Briley requested direction from the Council on whether to combine the two projects. Manager Briley suggested that we use value engineering to get the Mescal project down to a more manageable amount, and move forward with the Black Range and San Mateo projects.

Manager Briley will meet with the School District Bus supervisor to inquire whether they have monies that could be combined for projects involving bus routes.

Manager Briley explained that there is approximately \$79K that has to be spent by the end of this year. If we apply by March 15, we could possibly include this year's money with next years to do some of the work, and City crews could do some of the work, such as digging retaining ponds, to decrease the amount included in the contracting bid.

Manager Briley explained the Rock Canyon Road project has about \$1M worth of funding that the City has to match at \$250K. GRT revenues have been lower than expected, leaving little reserve for the match. By June, the City must submit a revised plan on how we will spend that million dollars by June 2016. This project has not yet been designed. We have to state our intentions for this project by June 15th or we risk losing that funding.

The Council agreed that losing that funding would be irresponsible and unforgiveable to the public. Manager Briley explained that previous Councils worked very hard to get awarded that money, and it would be a shame to lose it. Manager Briley will present a plan at the next meeting on how to accomplish this project.

**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 2:02 PM, and Mayor Pro-Tem Skinner led the Pledge of Allegiance. Nine 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, and Councilor Rogers were all present.

Also in attendance were City Manager Alan Briley, and City Planner Bradford Dyjak.

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

PUBLIC INPUT

Rick Harrison gave an update on plans for the Boat, RV & Sports show in July.

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 Lafont seconded. The motion carried unanimously.**

BOARDS AND COMMITTEE APPOINTMENTS AND COMMITTEE REPORTS

None.

MAYOR & COUNCIL REPORTS

Mayor Kent had nothing to report.

Mayor Pro-Tem Skinner stated the Chamber of Commerce is supporting the Fish Fund and is creating a website for the fish fund. The Chamber has moved to 402 HWY 195. The City has moved the blue highway signs. Mayor Pro-Tem Skinner reported on the County Commission meeting the day before – there was a great presentation from the High School kids from the robotics class, and got 4th in the State. The class is held at 7am, during zero hour before school starts.

Councilor Lafont requested putting the Golf Cart Committee back together to discuss allowing golf carts in the City Limits.

Councilor Rogers reported on the SCRDA meeting. Sheriff Hamilton has now replaced Sheriff Baca. Board elections were held. Paul Tooley is the Chair and Glenn Hamilton is the Vice-Chair. The County approved 95% of GRT to SCRDA, 1% to EMT, 4% to Mental Health for this year. SCRDA is looking at increasing salaries to bring them in line with other areas. Members of the Council agreed that we should pay our fair share, and that it should be based on number of calls.

Manager Briley will follow up with the County to offer assistance in developing the budget.

MANAGER'S REPORT

Manager Briley commented that we will be going through our budget in April, and the SCRDA budget will affect the City's budget. Manager Briley and Mayor Kent will be in Santa Fe next week meeting with various people during municipal days. Value Engineering will be requested for the street projects. We were unable to contact Mr. Ness, so we are re-routing the sewer project using an easement from another property. We have plans for sewer on Mescal, Nambe and Jade. The plans for the Annex have come in. All City projects are on a board in Manager Briley's office, and anyone is welcome to take a look. Manager Briley put to rest several rumors on Musical festivals and Dam site around town. Manager Briley reported that according to BOR, there are 9900 surface acres of water at the lake.

CLERK'S REPORT

Clerk Rieth presented her report to the Council; attached for the record.

PLANNER'S REPORT

Planner Dyjak presented his report to the Council; attached for the record.

CONSENT ITEMS

Mayor Kent asked for a motion to approve the Consent Items.

- Approval of Minutes –Regular Meeting, January 21, 2015
- ➔ **Councilor Rogers made a motion to approve the Consent Item(s) as submitted. Councilor Lafont seconded.**

**A Roll Call vote was held:
Mayor Pro-Tem Skinner voted yes.
Councilor Lafont voted yes.
Councilor Rogers voted yes.
Motion carried.**

REGULAR ITEMS

RESOLUTION 14-15-333-Declaring Nuisance Conditions at 139 Camino Encantado, tabled from January 7, 2015.

Planner Dyjak presented. Attorneys for the heirs of the deceased owner have made progress; however there is still an unregistered vehicle on the property covered by a tarp. The property is still going through probate. Planner Dyjak requests one more postponement of this resolution.

There being no further questions or discussion, Mayor Kent asked for a motion.

- ➔ **Mayor Pro-Tem Skinner made a motion to postpone Resolution 14-15-333 Declaring Nuisance Conditions at 139 Camino Encantado to the March 18, 2015 meeting. Councilor Lafont seconded. Motion passed unanimously.**

CONSIDERATION AND POSSIBLE ACTION OF RENAMING HWY 195

Mayor Kent suggested postponing this item.

- ➔ **Councilor Lafont made a motion to postpone consideration of renaming Hwy 195 to the April 1, 215 meeting. Councilor Rogers seconded. Motion passed unanimously.**

REVIEW AND ACTION OF LODGERS TAX BOARD RECOMMENDATIONS

Manager Briley explained that At the January 8, 2015 Lodgers Tax Board meeting, the Lodgers Tax Board recommended approval of the following contracts:

Kayak Fishing Tournament \$5,000

Flag Day \$500

TV ads in El Paso \$2,000

Elephant Butte Lighting Contest \$600

Members of the Council wished to increase funding for Flag Day by decreasing funding for the Kayak Fishing Tournament to allow more advertising that Elephant Butte is the most patriotic City. The Council would like to advertise in Fort Bliss, Holloman, and Kirkland.

- **Mayor Pro-Tem Skinner made a motion to approve Kayak Fishing Tournament \$3,000, Flag Day \$2,500, TV ads in El Paso \$2,000, and Lighting Contest \$600. Councilor Lafont seconded. Motion carried unanimously.**

2013-2014 FISCAL YEAR AUDIT REPORT APPROVAL

Manager Briley presented the Audit report for Fiscal Year 2013-2014. The findings were mainly record keeping issues involving 941 Payroll Tax reports; New Hire Reporting; State withholding compliance and internal controls; Personnel Files compliance; and Late IPA Recommendation & Contract Compliance.

The Council reviewed the report from the auditor. Manager Briley and Clerk Rieth assured the Council that new policies and procedures have already been put into place to insure these findings would not occur in the future.

Copies of the Full Audit are available to the public through the Clerk's office for anyone who would like to review the entire text.

There being no further questions,

- **Councilor Rogers made a motion to approve the 2013-2014 Fiscal Year Audit Report. Councilor Lafont seconded. The motion carried unanimously.**

EXECUTIVE SESSION

- **At 3:26 pm, Councilor Rogers motioned to go into Executive Session limited to the purchase, acquisition or disposal of real property or water rights by the public boy pursuant to NMSA 1978, Section 10-15-1(h)(8) and Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2). Councilor Lafont 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.

Motion carried.

Council went into Executive Session.

At 4:20pm the Council came out of Executive Session.

The regular meeting reconvened.

Councilor LaFont certified that no decisions had been made during Executive Session and that only matters stated on the agenda were discussed.

DISCUSSION AN 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 Lafont made a motion to postpone to the next regular meeting. Mayor Pro-Tem Skinner seconded. Motion carried unanimously.

ADJOURNMENT

→ Councilor Rogers made a motion to adjourn. Councilor Stagner seconded. The meeting adjourned at 3:03pm

Minutes adopted at the Regular meeting on February 18, 2015



Karen Rieth, City Clerk -Treasurer

City Clerk's Report



To: Mayor Kent and City Councilors
From: Karen Rieth, Clerk-Treasurer
Date: February 18, 2015

Lodgers Tax Applications

Applications for Lodgers Tax Funds for 2015 City events are now being accepted. Organizations planning events that bring in out of area visitors that wish to apply for funding to help marketing efforts can pick up an application from the City Clerk's Office, or on the City Website. All Applications are due April 1, 2015.

Council Vacancy

When Sarah Stagner resigned, it left a vacancy in our Governing Body.

State Statute 13-12-1 provides options for filling this vacancy. The Statute verbiage is attached for the Council's review.

Option 1 allows the Mayor to appoint a qualified elector with the advice and consent of the Council. This person would serve until the next regular Municipal Election in March, 2016, and then be up for re-election of a 2 year term, which would expire in 2018.

Note: The Statute does not indicate any time restrictions - this can be done any time a suitable appointment is determined, or if no suitable appointment is made, by default a new Councilor will be elected during the next regular municipal election in March, 2016, and be for a two year term expiring in March 2018.

Option 2 allows the Mayor to call for a special election with the consent of the Council. If this option is chosen, the special election would need to be held in accordance with the Municipal Election Code.

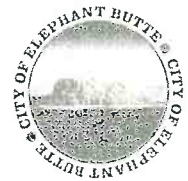
Additionally, it may be worthwhile to note: If prior to filling the vacancy, there is a meeting at which another Councilor is absent, leaving only the Mayor and 2 Councilors in attendance, which constitutes a quorum, regular items that require a simple majority could pass with a 2-0 vote; However, Ordinances, Resolutions, or Personnel Matters would have to have a majority of the entire Council.

CITY PLANNER'S REPORT

To: Mayor Kent & City Councilors

From: Bradford Dyjak, City Planner

Date: February 18, 2015



Following is a brief update on planning, zoning and code enforcement activity for the past few weeks.

Projects

1. **Annex/ City Center** – Received final floor plans for review and are in the process of obtaining cost estimates from a general contractor recommended by the architect.

Development & Planning Updates

1. **P&Z Update** – Held regular meeting February 3rd and reviewed 2015 goals and Comprehensive Plan update. A special meeting was also held February 16th where a conditional use case was heard (see below), Karen Mogen was recognized for her service and discussion was held on community character and identity goals.
2. **City 2015 Planning Goals** – P&Z and staff reviewed and have recommended 11 planning goals as priorities for the City to address this calendar year, a copy of which will be forwarded to the for Council reference and input.
3. **Monte Vista** – Staff halted grading and drainage construction that had begun on Lot 7 without a permit. Subsequently, a conceptual drainage and grading plan was submitted, and staff is reviewing the proposed improvements in conjunction with an engineer based upon the findings in the August 2014 engineer's report.

Code Enforcement/Zoning Updates

1. **Conditional Use Hearing** – Garrett Western Construction, a general contractor and heavy construction operator, was approved for a contractor's yard along Highway 181 between Scottsdale Circle by P&Z on condition that landscaping screening be provided.
2. **Marina Inn & Suites** – Has changed owners and is in the process of interior remodeling.

Municipal Court Cases – 2/18

1. #12823 – 406 Tewa Avenue – Inoperable cars, Weeds (*contempt of Court's 11/14 order*)
2. #12827 – 510 Mescal – Inoperable car, No skirting (*contempt of Court's 11/14 order*)
3. #12834 – 104 Cactus Drive – Inoperable car, Weeds (rescheduled from 1/21)
4. #12835 – 189 Camino Encantado – Junk car, Expired registration (Failure to appear 1/21)
5. #12837 – 205 Caballo Road – Residing within RV

New Complaints/Violations Inspected (2/1 – 2/14)

- | | | |
|-------------------|----------------------|-------------------|
| 1. Weeds – 5 | 5. Noise – 1 | 9. Zoning/Vendors |
| 2. No Address – 1 | 6. Streets/Drain – 2 | /No Permit – 4 |
| 3. Animals – 2 | 7. Trash/Junk – 3 | 10. Begging & |
| 4. Nuisances – 1 | 8. Vehicles – 2 | Vagrancy – 0 |

Permits Issued (2/1 – 2/14)

1. #15-106 - 302 Beach Boulevard – Carport 15'x42' enclosed
2. #RP-1501 - 203 Calle del Rancho – Lot Line Vacation
3. #RP-1502 - 779 Highway 181 – Lot Line Vacation