



REGULAR COUNCIL MEETING
Wednesday, September 21, 2016
103 Water St. Elephant Butte, NM 87935
ACTION MINUTES

WORKSHOP – 1:00PM

Clerk Rieth presented 4 options for health insurance that will be more cost effective for the City, the employees, and offer better in network coverage with lower out of pocket maximums. Clerk Rieth recommended Council accept the Presbyterian Health Care option as a well-rounded policy to offer employees. Council reviewed the comparison of the 4 proposed plans, and agreed that moving forward, the Presbyterian plan would be offered to employees, providing that we would be able to get out of the current agreement with New Mexico Self Insurer's Fund.

Land Use Administrator Boyle presented the Comprehensive Plan and discussed priorities with the Council, and asked Council to review a series of photos of downtown areas across New Mexico, to decide in what style we should set requirements for new development.

Administrator Boyle discussed a plan for abatement of properties, using the "Clean & Lean" program as an example. Administrator Boyle then discussed the lien process as an alternative.

Councilor Lafont brought up the issue of drainage and how to get the water diverted off and out of the way, to save businesses from having to provide retention ponds.

Administrator Boyle agreed that a City wide drainage plan should be included in a 20 year plan, however the more immediate need vs. cost must be considered.

Mayor Kent and Councilor Lafont discussed detention ponds vs. retention ponds. Administrator Boyle talked about housing developments, and a downtown environment that would be pedestrian friendly. Administrator Boyle explained the benefits of multi-unit housing. Housing density will in turn affect the ability to maintain the infrastructure, and bring in commercial properties and businesses to the area. Administrator Boyle asked for input from Council on the current marketing plan as it pertains to "SWAT".

Mayor Kent commented on a workshop a workshop she attended for Sierra County Economic Development and suggested that maybe it would be a good idea for Administrator Boyle to attend these meetings.

Councilor Trager asked if the "LEDA" plan is up to date. Administrator Boyle explained that it is out of date and needs to be looked at.

Administrator Boyle explained that the current height restriction on buildings along the Butte Blvd. corridor prevents being able to build a 2 story structure that would have views of the lake, and therefore make the property more marketable. By changing this restriction, we could promote roof top bars, pools, etc. By providing million dollar views, and affordable housing, we could attract more people and businesses.

Administrator Boyle discussed ATV & Golf Cart usage on City Streets, and how that ties in with tourism.

REGULAR COUNCIL MEETING - 2:00pm

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Kent called the Meeting to order at 2:00pm, and Councilor Lafont led the Pledge of Allegiance.

ROLL CALL

Clerk Rieth called the roll.

Mayor Kent, Councilor LaFont, Councilor Rogers and Councilor Trager were all present.

Mayor Pro-Tem Skinner was absent.

2 Members of the press and 7 members of the public were in attendance.

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

PUBLIC INPUT

None.

APPROVAL OF AGENDA

Mayor Kent asked for a motion to approve the Agenda.

Councilor Rogers made a motion to approve the Agenda, eliminating item 5 – Oath of Office for Code Enforcement Officer Toby Boone, as the Judge was not available to attend today.

Councilor Lafont seconded.

Motion carried 3-0.

APPOINTMENT OF TOBY BOONE AS ALTERNATE TO SCRDA

Mayor Kent explained that currently, Councilor Rogers serves on the Board for SCRDA, but it would be nice to have an alternate in case he cannot attend, and the other entities send law enforcement or Fire Chiefs, since they are the ones involved.

Councilor Rogers made a motion to appoint Toby Boone as an alternate to the South Central Regional Dispatch Authority.

Councilor Lafont seconded.

Motion carried 3-0.

MAYOR & COUNCIL REPORTS

Mayor Kent reported the feedback from the other Communities was positive regarding Elephant Days. It was good to have a little different event with the BBQ Cook-off. Mayor Kent named each of the City Staff personally and thanked them for their help in pulling off a successful event. Mayor Kent thanked Councilor Lafont for participation as a major sponsor and Councilor Rogers and wife Annie for helping with the City Booth. Mayor Kent thanked Mel Tepper for helping with the vendors and the parade, and Paula Baker for helping to get sponsors. Mayor Kent said thank you to all the people in the surrounding communities who came out to support our event.

Mayor Kent reported attending the Mayor's Summit. The economy of the State is not looking good right now. The State is threatening to pull back Capital Outlay money that has not been used. Mayor Kent commented that fortunately, Elephant Butte has always presented projects that are "shovel ready". Mayor Kent reported that Senator Smith is proposing a special session, but the executive office is reluctant to do anything before the election. Mayor Kent stated we must continue to be very frugal with spending. Mayor Kent commented that she will get with Andrew and Karen with a list of Action items.

Councilor Trager reported attending the MOLI training for newly elected officials, and had opportunities to discuss OHV Ordinances with Grants, Gallup, Cloudcroft, Raton, Cibola & Otero County. Councilor Trager reported Red River reports increases due to ROV traffic coming from Oklahoma, and they are promoting OHV events on Facebook successfully.

Councilor Rogers had nothing to report at this time.

Councilor Lafont had nothing to report at this time.

MANAGER'S REPORT

Manager Finzen reported the French drain on Rock Canyon has finally been completed and seems to be holding during recent rains. Confirmation from DFA has been received approving the Fiscal Year 2016-2017 Final Budget. Manager Finzen reported that the ICIP has also been approved. Manager Finzen reported City Streets have been swept in half the City, with positive feedback from the public. The City will try to maintain on a regular basis. Over the coming weeks & months, Manager Finzen will be working with Land Use Administrator Boyle to do a Land Use Inventory in an effort to be more data driven. Manager Finzen discussed improving mapping with open source free GIS Software, which will allow the City to address property addressing & code enforcement issues.

Manager Finzen called on Public Works Director Cole to report on estimates for work needed at the Community Center. Director Cole presented a power point presentation of damage and costs for the following:

Front face stucco repair

Windows that need to be repaired & resealed, and tile sills \$3023.84

Main entrance is weathered & needs to be repaired.

New Fascia & Stucco patching for the main entrance \$2109.66

Fill interior wall crack \$400

Front Patio/porch roof leaks, exterior ceiling \$5,485.12

Metal roof to entire building, including porch \$35,640.20

Director Cole estimates cost of all repairs to be around \$60K

Councilor Rogers inquired about rock landscape around the front. Director Cole would like to add rock around the entire building footing to bring the building more up to date with current standards.

Council discussed priorities with Director Cole and instructed him to move forward with small projects that fit our current budget, with a plan to look at larger repairs with the next fiscal budget.

Manager Finzen invited Chief Boone to step forward & give a report – included for the record.

Mayor Kent commented that she had asked for Chief Boone to do an assessment now that he has been on the job for 2 ½ months. Mayor Kent thanked Chief Boone for an outstanding job in getting on top of things, and thanked Chief Boone's wife, Leslie for helping out. Mayor Kent wants the public to know that we have someone on duty that is determined to improve the health & safety of our community. Mayor Kent then asked Chief Boone to give an accounting of his experience with Nu-Way Laundry.

Chief Boone explained that the bunker gear was found in piles covered in rat feces & spiders. Bunker gear is full of carcinogens, and toxic materials, and therefore not usually cleaned or kept inside. To clean bunker gear takes special equipment, and once used, the equipment needs to be completely cleaned and serviced before it can be used again for regular laundry. Nu-Way laundry cleaned 19 sets of bunker gear, which was going to cost over \$1,000. Nu-way undertook the job, donated all cleaning services, and then had to completely service their machines to be able to restart public operation. It was an extremely generous show of support for our fire department, and much appreciated.

Chief Boone went on to report that our current ISO rating is a 7, and we can expect to be at a 6 in the next year, as he continues to work with Chief Tooley on improvements.

CLERK-TREASURER'S REPORT

Clerk Rieth gave a report on the finances for Elephant Days. Preliminary numbers show revenues of \$21,585.00 and expenses of \$20,482.90, for a profit of \$1,102.10. All of the revenues were ticket sales, t-shirt sales, entry fees, and sponsorships, so we were successful in not spending any public monies to put on the event.

CONSENT ITEMS

Mayor Kent asked for a motion to approve consent items:

- Approval of Minutes – Regular Meeting Minutes August 17, 2016
- Approval of adjustment to Lodgers Tax contracts reducing #55006 Balloon Regatta by \$1,000 and increasing #55007 NM Vacation Adventure Guide by \$1,000

**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 was absent.
Councilor Lafont voted yes.
Councilor Rogers voted yes.
Councilor Trager voted yes.
Motion carried.**

REGULAR ITEMS

Manager Finzen and Administrator Boyle discussed with Council the Middle Rio Grande Economic Development Association Trail committee. Council agreed that there is some tourism value in working toward a common trail; however it is a very large undertaking that will possibly take decades to complete.

Clerk Rieth presented Council with a copy of a warning letter from the Secretary of State's office regarding perceived improprieties with Councilor Trager being involved with Zia Kayak and not recusing a vote on lodgers tax monies. Clerk Rieth explained that there were multiple factual errors with the letter confusing Councilor Trager with her husband, Russ who sits on the Lodgers Tax Advisory Board; none the less, we should be prudent when it comes to public perception, and therefore a review of our policies and procedures is in order. Current procedure is that each agenda includes an opportunity to declare conflict of interest with any item on the agenda. In addition, Councilors fill out a survey annually with our audit process. The results of the surveys go straight to the auditor, and when asked about this particular issue, the auditor was only able to produce copies from some of the Councilors. Therefore, going forward, the Clerk will collect the surveys, and file copies prior to forwarding to the auditor. Copies of the annual surveys will be kept by the clerk for review in case an issue arises in the future.

Volunteer Fire Fighter's Stipend

Chief Boone explained to Council that a small stipend of some kind would help to attract and retain volunteer fire fighters. Truth or Consequences has adopted a similar program, and seen improved response to calls, which helps to lower the ISO rating. An example might be that a fire fighter is paid \$10 for each response, and a similar amount for attending a specified number of training meetings.

Council indicated a willingness to consider such a program, and would like to discuss details further once a review of the budget has been done.

Resolution 16-17-111: A resolution requesting the Establishment of a Minimum Pool at Elephant Butte Lake

Manager Finzen introduced Bill Buhler, a longtime resident of Elephant Butte. Mr. Buhler presented a history of lake levels and previous efforts at establishing a minimum pool dating back to the 1950's.

Manager Finzen introduced Neal Brown, who discussed current efforts to establish a minimum pool.

Councilor Rogers made a motion to approve Resolution 16-17-111 A Resolution requesting the Establishment of a Minimum Pool at Elephant Butte Lake

Councilor Lafont seconded.

Motion carried 3-0.

Resolution 16-17-112: Fire Department Auction items

Chief Boone reported two trucks at the fire station that are currently covered by insurance, but not in service and not necessary to the operations of the department, and asked that Council approve auctioning the surplus items to save on operation costs.

Councilor Rogers made a motion to approve Resolution 16-17-112 A Resolution Authorizing the Disposition of City Property by Auction

Councilor Lafont seconded.

Motion carried 3-0.

Resolution 16-17-113: Participation in the New Mexico Environment Department Special Appropriation Project Grant Agreement

Manager Finzen introduced resolution 1-17-113 SAP agreement for Wastewater Collection lines totaling \$200,000 and authorizing Mayor Kent to sign the agreement and Manager Finzen to sign reimbursement requests.

Councilor Rogers made a motion to approve Resolution 16-17-113 Participation in the New Mexico Environment Department Special Appropriation Project Grant Agreement

Councilor Lafont seconded.

Motion carried 3-0.

Resolution 16-17-114

Clerk Rieth introduced resolution 1-17-114 Identity Theft Red Flag Prevention Policy

The Federal Trade Commission Red Flag Rules adopted in 2008 were never made official policy as required. This amendment adopts a policy to require a password to identify account owners over the phone before protected information is released.

Councilor Rogers made a motion to approve Resolution 16-17-114 Identity Theft Red Flag Prevention Policy

Councilor Lafont seconded.

Motion carried 3-0.

At 4:01pm, Mayor Kent called for a motion to go into Executive Session.

Councilor Lafont made a motion to go into Executive Session pursuant to NMSA 10-15-1(H)(8) purchase, acquisition or disposal of real property or water rights by the public body

Councilor Rogers seconded.

Motion carried 3-0.

At 4:49pm, Council came out of Executive Session. Councilor Rogers certified that only matters on the agenda had been discussed, no action had been taken, and no decisions had been made.

ADJOURNMENT

Councilor Lafont made a motion to adjourn.

Councilor Rogers seconded.

Meeting adjourned at 4:50pm.

Minutes approved and adopted at the regular meeting of the City Council on October 5, 2016.



Karen Rieth, City Clerk