



REGULAR COUNCIL MEETING
Wednesday, October 19, 2016
103 Water St. Elephant Butte, NM 87935
ACTION MINUTES

WORKSHOP – 1:00P

Land Use Administrator Boyle led a discussion on development of code and comprehensive plan:

- Mr. Boyle stated that a rough set of goals and a comprehensive plan were taken to planning and zoning committee and were discussed.
- Mr. Boyle found several procedural issues while going over the comprehensive plan and code, he continues to find more issues.
- One of the issues Mr. Boyle found is that apartment complexes and accessory dwellings are defined but not permitted.
- Mr. Boyle wants to eliminate liability, providing consistent interpretations for the general public.
- Mr. Boyle states that the use of permits needs to be defined further than in current codes.
- Mr. Boyle states there is a lot of confusion on definition of words in the current code.
- Mayor Kent states there is a number of things we are going to have to change but wants to take the pieces and revamp those that need to be changed, not re write the entire development code.
- Mr. Boyle states we do not have a zoning map in current code and with the new GIS program he has he can provide that for code.
- Mr. Boyle states Night Sky is in 155.034 and Ordinance 94 and questions why it is in both places if it says the same thing in both places, and that is the case with most of the codes.
- Mr. Boyle states there are some things that require permit by CID but not by us and that needs to be defined also.
- Mayor Kent calls on the Planning and Zoning committee and they state that Mr. Boyle is helping clarify a lot of the codes for them, and they are not duplicating things they already have done.
- Mr. Boyle says he has a draft ordinance he has prepared with several corrections on terminology and changed the staff wording to the proper authority for the processes.
- Mayor Kent asks for a time line and Mr. Boyle states that it should not be a long process but would like public input on a couple of separate occasions regarding the codes.
- Mr. Boyle says the City needs to get familiar with what the code says and what the terminology is.
- Councilor Trager would like to see the zoning broke down into Development, Residential, and Commercial.
- Manager Finzen advised that there needs to be regular review of our code because it is the job of city staff to enforce the code and if the code is not reflective of the direction of City Council than we have a conflict of what the duties are of city staff.

Manager Finzen led a discussion on the Christmas Lighting Ceremony:

- Manager Finzen stated that the next event for Elephant Butte is the tree lighting ceremony on December 1, 2016 of which there is a budget of \$2,000.00.
- The location that we have done in the past is not available due to the new Family Dollar being built on the corner, Mayor Kent stated that she is also open to other areas but that area can be seen by everyone.
- Manager Finzen has gotten citizen complaints about visibility of the corner when the tree is there, he has not measured that but did receive comments from last year's event.
- Councilor Trager states that the budget should be used for Santa outfits and reoccurring expenses for the event.
- Mayor Kent states that at Oktoberfest a gentlemen came up to her about putting together a choir and that she would set up a meeting with him to see if he was available for the tree lighting.

- Mayor Kent suggests the idea of changing Rotary Park to enclosed and playground equipment put in for the children.
- Mayor Pro-Tem Skinner suggests to move the tree lighting to the Annex because of space and the many events that are going on in the area during that time.
- Mayor Kent states that the events from this point forward will need help not just the staff because they are being worn out.
- Councilor Trager states that requests for volunteers went out for the Dam Centennial Celebration and maybe the City should do the same thing.
- Mayor Pro-Tem Skinner states that it seems the same group of volunteers do the same things and can't take on anything new.
- Mayor Kent advises Manager Finzen to get the Christmas Tree and call it the community tree, and include the hot chocolate and the cookies.
- Manager Finzen states that per Public Works Director Cole the lights need to be replaced on the tree, and it is suggested to move to LED lights.
- Councilor Rogers suggests about the power at each location.
- Councilor Trager asks if the Christmas Lighting is allowed on city property, and Mayor Kent states that it has to be called a Holiday Tree.
- Manager Finzen states we will look at a choir, hot chocolate, and cookies. Mayor Kent would like someone to be Santa at the event.
- Mayor Pro-Tem Skinner suggests to talk to Jim Brannon at the Moose Lodge to do Santa.
- Mayor Pro-Tem Skinner suggests buying LED displays on the wall by the Annex for the tree lighting ceremony a little bit at a time and then make a complete display.

Mayor Kent adjourns Council Workshop at 1:55 pm.

REGULAR COUNCIL MEETING-2:00 pm

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

ROLL CALL

Deputy Clerk Petsche called the roll.

Mayor Kent, Councilor Rogers, Councilor Trager, and Mayor Pro-Tem Skinner were all present.

Councilor LaFont was absent.

1 Member of the press and 4 members of the public were in attendance.

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

PUBLIC INPUT

Rick Harrison spoke and asked about the status of the lightpole in the driveway of the new Family Dollar from Butte Blvd.

Mayor Kent states that we normally do not respond to public comment but it is a good question so we will respond.

Manager Finzen stated that there is plan for relocation of the light pole on the responsibility of the builders to relocate the light pole on the property.

PRESENTATIONS

There were no presentations at this time.

APPROVAL OF AGENDA – Mayor Kent asked for a motion to approve the Agenda as presented.

Councilor Rogers made a motion to approve the Agenda.

Councilor Trager seconded.

Motion carried unanimously.

MAYOR AND COUNCIL REPORTS

Councilor Trager reported that she attended the minimum pool meeting, the governors tourism announcement and the off highway vehicle meeting everything was very informational and all of them were works in progress.

Councilor Rogers reported that Fire Chief Boone attended the SCRТА board and they want to remodel the old Armory as it was re deeded back to the City of T or C and they had requested that each entity would receive a letter of support/intent to move into the complex. He would not ask our Council and our Staff to draft a letter of support at this point. Mayor Kent asked if T or C would ask us to do the letter of support/intent that we have a joint agreement with the SCRТА board and they should make the recommendation.

Mayor Pro-Tem Skinner reported she attended the Governor’s press conference in Las Cruces and she had visited with Secretary Latham regarding lake levels and the minimum pool along with Council Trager. She advised that Councilor Trager told the Governor that we had some things to discuss and that Secretary Latham would be talking to her about those items. She attended the water summit. She met with David Pike from New Mexico Magazine on and article on T or C, Williamsburg, and Elephant Butte. Mayor Pro-Tem Skinner advised that Councilor Trager had spoken to Mr. Pike about the Zia Kayak tournament. Mayor Pro-Tem Skinner also stated she would be attending the New Mexico Tourism webinar on Thursday about the co op grant and application, Manager Finzen stated he attended the webinar on Tuesday. She reminded that the annual Casino Night for the Chamber on Saturday at the Inn.

MANAGER’S REPORT

Manager Finzen reported that we are working on the next steps of the annex project and that we need to get an asbestos report before construction starts. In addition, he worked on agreeing with the City of T or C to use them as a building inspector with a joint agreement since it is a primary frustration for public to go to CID instead of us and the public is having an unpleasant experience with CID. Manager Finzen has been working with the Sherriff’s Department to update their contract, the City has allowed an additional \$10,000 to the services. Mr. Boyle had mentioned about the GIS system, and we are able to look at the different layers, the parcel address, and where are utilities are running, we hope to be able to develop city maps in the near future and will have a demonstration. He did attend the webinar for the Dept. of Tourism grant and he will apply for the Dept. of Transportation grant for signage.

CLERK-TREASURER’S REPORT

Deputy Clerk Petsche advised Council that Clerk Rieth prepared a document presented to them for 1st quarter fiscal year 2016-2017 and that if they had any questions they could refer them to her on Monday.

CONSENT ITEMS

Mayor Kent asked for a motion to approve the Consent items:

- Approval of Minutes – Regular Meeting October 5, 2016

**Councilor Rogers made a motion to approve the Consent Item (s) as submitted.
Councilor Trager seconded.**

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

REGULAR ITEMS:

**Mayor Pro-tem Skinner motioned to table items 11 B Monticello Fire Truck Transfer
and 11 C Fire Department By-laws until Chief Boone is available.**

Councilor Rogers Seconded.

Motion carried.

Discussion/Possible Tree Lighting:

No action needs to be taken it was discussed in workshop.

Discussion/Possible action-Traffic Calming Policies:

Manager Finzen states that the City of Elephant Butte being a resort community faces a challenge with traffic, he receives many requests for speed bumps within the city limits and we currently do not have any policies on the books on how to deal with those requests. There is a grey area on how those requests are handled. Manager Finzen did his research in various entities on their traffic calming policies. Sierra County does not have the traffic calming policies. Manager Finzen researched the City of Las Cruces traffic calming policies and how the issue is initiated, of which they have 3 main ways they have on how the policy is initiated, petition one is 75 percent of the community is in agreement saying this is a problem and we want to deal with it, of which Manager Finzen states that is very preferable as single individuals are currently making the requests. Option 2 is City Council initiation with the Council representing the community. Option 3 would be the City traffic engineer making a suggestion that he sees the problem more often and thinks the city needs to adjust, however here that would require a contracted traffic engineer who will conduct a traffic study in the city. Manager Finzen would like to see a public initiation process where 75 percent of that neighborhood, the study is done and then it goes back to the neighborhood for vote. Then the decision would go to Council who would be the deciding body. City of Las Cruces will not put a speed bump within the city limits due to the damage that can be done to a vehicle, and they are an ISO I and they would reduce response rates for EMS. Las Cruces uses a speed table which is a long slightly elevated piece of concrete such as that coming out of state parks. Manager Finzen recommends putting a policy in to place tailoring it in to our needs and to our budget. He would like to have something on the books of a metric where he can refer to when he gets the complaints into his office. Council Trager asks if the question is regarding Beach Boulevard and Manager Finzen states that he has had many complaints about that street. Councilor Trager suggests when Manager Finzen gets many requests from the same area to bring it to council for decision making. Mayor Pro-Tem Skinner states that as long as it is requests from multiple different people than it needs to go to council. Manager Finzen states that that would follow the 75 percent of the neighborhood policy. Mayor Kent agrees we should craft a policy on traffic calming and have different criteria, if it is a small street and the resident's petition than the

council grants a traffic study, Mayor Kent wants Manager Finzen to see if there is a cost effective study that could be done. Manager Finzen suggested the yard signs that say Slow Down and Respect the Speed Limit that would be available at City Hall for free. Manager Finzen will craft a policy and bring it back to the Council for further direction. Mayor Kent advises that maybe using the Sheriff if there is a speed limit sign on that street they need to be ticketing the speed on that street.

Discussion/Possible Action-Annex Financing:

Manager Finzen reports that we are moving forward with abatement inspection of the annex. We are getting to the point that it can have work being done on it by the architects. We need to have an understanding financially of what we are doing on this project. It was discussed about the 1 phase and the 2 phase progress. Manager Finzen looked at 3 different options, with First Savings Bank with 20-25 Years with \$300,000 and \$600,000, Second is George K. Baum with \$600,000 over 30 years, and the third option is the USDA Community Facility Program Grant Loan with Grant component with up to 30 percent of the project cost or \$30,000 and that we can take it out 40 years, with USDA being the longest term option and the annual payment would be \$23,000 on the \$600,000 and everyone else would be \$34,000-\$39,000.00. The USDA Grant is revolving and you can choose the lower of two rates on the loan. Mayor Kent directs Manager Finzen to move forward with the USDA loan/grant. The contractors are confident that they can achieve the work with the amount that would be awarded based on what they know.

Mayor Pro-Tem Skinner made a motion to have City Manager Finzen move forward with the United States Department of Agriculture Grant for the amount of \$600,000.

Councilor Rogers seconded.

Motion carried unanimously.

Discussion/Possible Action-Monticello Fire Truck Transfer:

Chief Boone would like to transfer engine 914 1979 Ford LTC to Monticello Fire Department and are an ISO class 9 and do not have an acting engine. It has been on loan to the Monticello Fire Department for the past 2 years and they need to put some money into it to keep it in service and so therefore we need to transfer title to them. We can't sell an item to entities so we are asking to do a title transfer.

Councilor Rogers made a motion to transfer to Monticello the fire truck currently owned by City of Elephant Butte Fire Department.

Mayor Pro-Tem Skinner seconded.

Motion carried unanimously.

Discussion/Possible Action-Fire Department By-Laws:

Chief Boone has created a new set of by-laws to include a paid chief over the Fire Department which would allow Chief Boone to function as a paid staff. Chief Boone stated there are very few changes to the by-laws. Councilor Trager is unsure of the old by-laws, and Chief Boone advises most of it is to take out the election of officers. Councilor Rogers with clarification for outside public reading, under Article 1 Section 3 the last bullet and with the authorization of the City of Elephant Butte should read with the authorization of the City Manager and the Fire Chief of the City of Elephant Butte not the City of Elephant Butte. Chief Boone advises they would have to go to Chief Boone and then City Manager Finzen to deploy to help other entities. Page 5 of the articles Article 4 Membership item K The member will be voted on to become an active member not members. Page 6 Section 5 the last sentence violation of this should be cause for immediate dismissal should say violation of this section should be cause for immediate dismissal. Page 7 Item F the fire chief also has to discretion to, should say the discretion to. Page 8 Article 5 duties of members Section 3 each member must complete ICS 100,200, and 700

should say Incident Command System allowing span of control for 5-7 with a maximum of 10 people under 1 person. This item should be spelled out to include they must attend the trainings for incident command systems spelled out.

Mayor Pro-Tem Skinner made a motion to approve Fire Department By-Laws with changes mentioned above.

Councilor Trager seconded.

Motion carried unanimously.

Executive Session

At 2:55 pm, Councilor Rogers 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. Mayor Pro-Tem Skinner seconded.

A Roll Call vote was held:

Mayor Pro-Tem Skinner voted yes.

Councilor Rogers voted yes.

Councilor Trager voted yes.

Motion carried.

At 4:35 pm, Council came out of executive session. Mayor Pro-Tem Skinner certified that the only items on the agenda had been discussed during executive session, no decisions had been made, and no action had been taken.

ADJOURNMENT

Councilor Rogers made a motion to adjourn.

Mayor Pro-Tem Skinner seconded.

Meeting adjourned at 4:35 pm.



Karen Rieth, Clerk-Treasurer