



COUNCIL MEETING
Wednesday, February 15, 2017
103 Water St. Elephant Butte, NM 87935
ACTION MINUTES

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

Clerk Rieth stated a quorum was present.

Also in attendance were Attorney Rennick, 40 members of the Public and 1 Member of the Press.

Mayor Kent read a statement for the record regarding agenda item 10a. Agreement with Turtleback Mountain Properties acquisition for real property (included for the record).

Mayor Pro-Tem Skinner stated that the reason this was put on the agenda was because the City Council does appreciate and value the comments, concerns and recommendations of the public and would like to take that into consideration.

Councilor Trager stated that this is a huge project. There are still many things to take into consideration. This is still ongoing and it is important that the public voices any comments, concerns, and recommendations. This is not complete but needed to be brought to the public's attention at this time for public input.

Councilor Rogers made a motion to table item 10a Agreement with Turtleback Mountain Properties acquisition for real property.

Councilor Lafont seconded.

Motion carried 4-0.

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

PUBLIC COMMENT

Dennis Hoy, 126 Trinity, Elephant Butte, stated that he is in favor of keeping the Golf Course open. Mr. Hoy's only concern was that citizens would be able to voice their opinion.

Ginger Van Gundy, Elephant Butte, stated opposition to this deal; the public was not informed about it. Ms. Van Gundy stated that if there is an agreement it needs to be made public. The City has term limits and once those limits are reached the Council will not have to worry about

long term liabilities; it will be the taxpayers that will have that worry about liability. Ms. Van Grundy stated that while the Golf course would be a beautiful asset to the city, it is not the responsibility of the City of Elephant to be in the golf business or the restaurant business.

Peter Plitteris, Lakeshore Dr., Elephant Butte,. Mr. Plitteris had noticed this item on the agenda being in Executive session several times and here we were 4 years later on the same topic. The City does not need to own Turtleback Mountain Resort, because golf is a dying industry in the United States. In the last decade, more than 800 golf courses have closed nationwide due to the lacking interest in the sport. Not even one of the top designers in the golf course business could keep a course on one island in New York City where there are 8 million people living within 50 miles. Mr. Plitteris suspects that minds have been made up here. Mr. Plitteris stated that it doesn't take most research to realize that people are not taking up the sport of golf and too many (Golf Courses) are closing. The City of Elephant Butte has no business attempting to manage a complicated project like the TMP and resort. All the citizens of Elephant Butte are going to end up picking up the expenses the golf course incurs. The Golf Course will not turn enough of a profit to keep it running. It doesn't seem to be any good reason to what the developers want to walk away from this project. The gift will be a tax write off, but the City of Elephant Butte will own it for the next 50 years. TMP is getting out because they have already determined that it will never be profitable and are getting out now. The City of Elephant Butte cannot afford it and this action will bankrupt the City of Elephant Butte.

Marsha Plitteris, Elephant Butte, stated that her and her husband have lived here for the past 10 years. Mrs. Plitteris' concern is who is going to get sued when this doesn't work, when the home owners don't have a golf course. In 30 minutes of documentation Mrs. Plitteris found golf courses a gold mine for lawsuits its second only to baseball, because there are many things that can go wrong on a golf course, such as people tripping and falling over sod. If this is being considered, the citizens need reassurance that they are not the ones being responsible for paying for it.

Karen Hergenrider, 524 Ontario, stated property owners and business owners had no prior knowledge. It was only displayed as a small item on the agenda; apparently this had been going on behind closed doors. Golf Course is not a gift, a money pit vs. a money making proposition. How is this going to benefit all citizens of the City of Elephant Butte?

Manager Lucero Read a Statement from Terry Squiers who was unable to attend.

Terry Squiers, 100 Mesa Grande, Elephant Butte, NM 87935. Mr. Squiers is also is a business owner of Buddy Boat and RV Storage located at 1010 Butte Blvd. Mr. Squiers is concerned that the Mayor and Council has engaged in the endeavor without the input from Citizens and business owners of the City. Mr. Squiers requested any action and vote be postponed until a proposal and entire business plan for this venture has been distributed and input from the public had been provided. Mr. Squiers asked that a written response be provided for the following, \$1million debt on water rights, liquor license, procedure to revert property to the owner or new buyer, what control or financial ties will land developer have over operations of golf course.

Klaus Wittern, resident of T or C, NM, requested that the Mayor's opening statement be made available to the public in written form for distribution within a reasonable time: 3 or 4 days. Mr. Wittern commended the Mayor and City Council for seeking public input in which Mr. Wittern felt was very critical. Mr. Wittern stated he is not biased in the matter. Mr. Wittern found it in the best interest of the community to maintain this beautiful asset. Mr. Wittern also appreciated that the Mayor and Council were open to comments, concerns, and recommendations that were voiced by the public.

EXECUTIVE SESSION:

**At 2:32pm, Councilor Rogers made a motion to move in to Executive for the purpose of discussing information received today for the Purchase Acquisition and disposal of real property or water rights by the public body as provided by New Mexico Statute amended 10-15-1(H8)
Mayor Pro-Tem Skinner seconded.**

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

Council came out of Executive Session at 4:44pm.

Mayor Pro-Tem Skinner certified that only matters on the agenda had been discussed, no decisions had been made, and no action had been taken.

**Mayor Pro-Tem Skinner made a motion to postpone consideration of agreement with Turtleback Mountain Properties for acquisition of real property until March 15. Councilor Rogers seconded
Motion Carried Unanimously.
Mayor Kent announced:**

There will be a Town Hall Meeting on March 8, 2017 at 2:00PM at City Hall to discuss specifics as requested by the constituents.

The Council and Mayor encourage anyone that has any input to please meet with the councilors as this ongoing process is being conducted.

MAYOR AND COUNCIL REPORT

Mayor Kent did not have anything to report at this time.

Mayor Pro Tem Skinner did not have anything to report at this time.

Councilor LaFont did not have anything to report at this time.

Councilor Rogers reported that the SCRDA Board voted not to be a part of the Complex in the old Armory. Juan Fuentes removed Paul Tooley from the board. Bruce Swingle will have Paul Tooley replace him as County Rep. SCRDA is looking for new location. Budget looks good.

Councilor Trager reported that Judge Dalrymple requested an alternative Judge. Judge Dalrymple recommended Sean Gifford, who is a resident of T or C. Mayor Kent explained that the Mayor appoints an Alternate Judge. It was voted in 2015 not to have an alternate. Judge Dalrymple needs to request to be put on the agenda for consideration of an alternate Judge.

Manager's Report

Manager Lucero reported being in Santa Fe on Monday, February 13, 2017, to deliver the Capital Outlay requests. Manager Lucero Requested Waste Water Upgrades and the Roads Nambe and Jade Loop, and \$80 thousand requested for playground equipment and parks. Manager Lucero had the paperwork for the 2017 Local Government Road Fund which we can apply for, but it is a 25% match. Mayor Kent instructed Manager Lucero to submit for funds to widen Warm Springs by using Nambe and Jade as the 25% match or at least part of the match. Manager Lucero also met with Jay from SCCOG to see if anything was ongoing. Manager Lucero would meet with Jay from SCCOG to work on road projects in order to piggyback that 25% match. Manager Lucero had application from NMDOT Hardship Sale which offers \$25 thousand dollars funding to buy equipment if qualified. And Deputy Clerk Apodaca is set up to attend CPO training on April 4th through the 7th. Manager Lucero is working with Cheryl of Tyler to find training for Utility Clerk Vasquez to attend. Manager Lucero reported attending the SCRDA meeting. Manager Lucero also attended Friends at the Butte Meeting and received information that New Mexico Department of Game and Fish awards money for ATV trails. These trails vary from beginner to expert tracks. Manager Lucero had scheduled a Staff meeting on Friday, February 17th to explain health insurance benefits. Manager Lucero reported having scheduled Supervisor meetings on Tuesdays. City Hall is having Computer issues, even though internet is better now the facility is still in need of newer equipment in order to be able to support the capabilities of the faster internet speeds. Manager Lucero had worked on getting in touch with James from IT to come in and confirm what equipment will help improve these issues. Manager Lucero is reviewing the contract for cleaning services by Barbara Webster Kardos, and a new contract will be prepared and signed, along with a confidentiality agreement. Manager Lucero will be attending Municipal Day in Santa Fe on February 22nd. Mayor Kent requested Manager Lucero apply for Colonias award money. Manager Lucero and Clerk Rieth will be presenting a Power Point Presentation for a Special Lodger's Tax Advisory Board workshop on March 9th. Also, Fire Chief Boone approached the County Manager about being included in the Hazard Mitigation Plan which is a plan that FEMA will award money if a disaster ever does happen in Elephant Butte. If the plan is not in place then FEMA will not help out the City. Manager Lucero had a Planning and Zoning Commission meeting earlier this month; nothing much was on the agenda, but the plan is for the next meeting to start looking into sign ordinances. Manager Lucero found a commercial and industrial construction checklist, which will be brought up and explained. Also, Manager Lucero will report the P&Z minutes to Council so that Council can stay informed. Manager Lucero has been working with City Attorney Rennick regarding the water and waste water rates which will be presented at the next City Council Meeting.

Clerk-Treasurer's Report

City Clerk Rieth reported that a notice was received from the local government division of DFA stating that there is a new plan in place where all budgets and all budget adjustment resolutions will be submitted online from this point forward. A pilot group was put together this year wanting to see if City of Elephant Butte is willing to be placed on the pilot group. Mayor Kent stated it was up to Clerk Rieth and Manager Lucero. Clerk Rieth felt it would be a good idea because it would be training for what will be required next year. Mayor Kent suggested that confirmation that what is sent had been received be included.

CONSENT ITEMS

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

- a. Approval of Regular Meeting Minutes; February 1, 2017
- b. Acknowledgement of FY 16-17 Quarter 2 Report to DFA
- c. Acknowledgement of Detail Vs. Budget Report 7/1/2016 – 12/31/2016

**Mayor Pro Tem Skinner made a motion to approve the Consent Items as submitted.
Councilor Rogers seconded.**

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

ADJOURNMENT:

**Councilor LaFont made a motion to adjourn.
Mayor Pro-Tem Skinner seconded.**

Meeting adjourned at 5:11pm.

Minutes approved and adopted at the Regular meeting of the City Council on:

March 1, 2017

Karen Rieth

Karen Rieth, Clerk-Treasurer

