

COUNCIL MEETING
Wednesday, June 21, 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 LA Font led the Pledge of Allegiance.

ROLL CALL

Clerk Rieth called the roll.

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

Also, in attendance were 2 members of the press, 13 members of the public, Public Works Director Cole, and Chief Boone

Clerk Rieth declared a quorum was present.

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

PUBLIC COMMENT

Clyde Gene Barton, Elephant Butte stated that State requirement is to hook up to sewer as it becomes available and many lots in Elephant Butte are not large enough to meet this requirement for septic tanks. It is also imperative that the city gets sewer with these parcels. Mr. Barton recommends engineering gets involved. Mayor Kent stated that an Engineering firm has been involved.

APPROVAL OF AGENDA –

Councilor Rogers made a motion to approve the Agenda with the deletion of Introduction of Ordinance 165; R3 Zoning; 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 Trager voted yes.

Motion carried.

MAYOR AND COUNCIL REPORT

Mayor Pro-Tem Skinner reported working with the New Mexico Tourism Department Regions Program, Direct Powers Commission for Hospital which will be meeting on June 28, 2017 to discuss items on the budget.

Councilor Lafont had nothing to report at this time.

Councilor Trager reported that SCCOG will be meeting June 30, 2017 in Las Cruces.

Councilor Rogers had nothing to report at this time

Mayor Kent reported attending Chief Elected Officials Meeting for the Workforce Investment Act. Later on the Agenda is discussion of procedures and calendar for flags, there are many people in the City that like the

appearance of having flags displayed along the streets. It was a huge success for Flag Day. Mayor Kent wanted to thank The American Legion and other Volunteers. Any Volunteers are always welcome to join in placing and taking down flags.

BOARDS AND COMMITTEE REPORTS

Chair of the Sierra Joint office of Aging, Johanna Tighe stated appreciation of the \$6,000 yearly contribution by the City of Elephant Butte. Also, Chair Person Tighe stated that Meals on Wheels operates in surrounding areas as well as many programs for Seniors in the area. Sierra Joint Office of Aging has a really good director and Finance Director and now Sierra Joint Office of Aging is in good shape now. There have been cuts from the State and Sierra Joint Office of Aging is being vigilant with spending. Mayor Kent asked how many meals are being provided at this time. Chairperson Tighe reported approximately 33,000 cognitive meals. Chairperson Tighe stated that monies have been shifted from other areas and also had fundraising to make up for the State cut backs. Winter Quilters have held raffles of Quilts and donated those proceeds to Sierra Joint Office of Aging. Councilor Rogers asked if the new transport van was in service and Chairperson Tighe stated that the new van is in service.

Mayor Kent stated that there was an opening for Planning and Zoning Commission. Nathan Lafont was the Alternate and has moved up to Commissioner taking William Kirikos spot. To fill the Alternate position Mayor Kent appointed Planning & Zoning Alternate Mario Maez with the recommendation of the board.

Mayor Pro-Tem Skinner made a motion to appoint Mario Maez Alternate for Planning and Zoning Commission; Councilor Lafont seconded

A Roll Call Vote was held:

Mayor Pro Tem Skinner voted yes

Councilor Lafont voted yes.

Councilor Rogers voted yes.

Councilor Trager voted yes.

Manager's Report

Manager Lucero reported that the Golf Course is doing well. There have been advertising in the local newspapers for new Employees. Also, advertisements have been placed for Tuesday and Thursday Special of \$35.00 for 18 holes. There are also advertisements in place to bring in more business. Manager Lucero reported that Smokin' Turtle took over the restaurant June 3rd. The Bar is hosting Karaoke every Thursday Evening; also the bar is now open on Mondays. Advertisements have been placed the Cobblestone with the new county rates.

The Golf Course is keeping staff extremely busy. Many maintenance issues have come up such as air conditioning, hood vent, and a small refrigerator. Manager Lucero reported that the finance department is overseeing all Revenues and Expenses.

Fire Chief Boone has also been busy due to malfunctioning fire alarm system the dialer is in the process of being replaced. The City and Golf Course are working on ways of cutting costs, one way is by getting rid of Windstream services with is approximately \$2,000 a month, and replacing Windstream with TDS which would be approximately \$150 a month. Also, the City is looking at auctioning some old equipment.

The new golf carts are in, with this lease this is cutting costs on repairs also the lease is \$300 less per month.

Mel Tepper is working on Elephant Days.

Golf Carts are now permitted on Rock Canyon Road. The Sheriff's Office is now patrolling more and have issued 35 citations to date which include warnings, court appearances, and penalty assessments.

The MAP Project for Warm Springs has been granted \$373,000. Manager Lucero and Public Works Director Cole are working together to see where to start on that project.

The FY 17-18 Interim Budget has been approved by DFA.

From April 1, 2017 to now there have been 78 Fire and EMS calls and 53 Code Enforcement Calls. The Fire Department is in need of Volunteers. The Elephant Butte Fire Department will be receiving 2 ambulances from Lovington. The Lakeshore Fire Department merger is now complete.

Manager Lucero is working on staff performances and reviews this month. Manager Lucero is working on getting LEDA out this month; the enactment and utilization will allow to publicly support economic development to foster, promote, and enhance our local development effort and will protect the unauthorized use of Public Monies and Public Resources. We can enter public and private partnership which can be used for infrastructure improvement, economic development, and increase jobs businesses and retail.

Manager Lucero is working on a Floodplain MOU to become compliant with the National Flood insurance Program in New Mexico; there has to be a certified floodplain manager which we do not have. State statute requires a floodplain manager, Manager Lucero has been in contract with Bruce Swingle and Travis Atwell who is the Floodplain manager for the County.

The City is looking for a commercial appraiser for the Restaurant and Bar.

Manager Lucero is working with POMS to update Employee Handbook.

Clerk-Treasurer's Report

Clerk Rieth had nothing to report at this time.

CONSENT ITEMS

Councilor Rogers made a motion to approve the Consent Items: Approval of Regular Meeting Minutes; June 7, 2017; Mayor Pro Tem Skinner seconded

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

PUBLIC HEARING

Public Hearing was opened at 2:14PM

Public Works Director Cole has put together a presentation which was presented to council comparing communities of comparable size and customers served. Public works director Cole reported, which is included for the record. The city is the lowest at 21,000,000 gallons produced annually. Mayor Kent stated that in the last 10 years rates have not been raised because monies were able to be offset with money given by the state. Last year and this year money has not been received and will not be received due to state being in deficit. Mayor Pro-Tem stated that just because the municipalities are told not to ask the City of Elephant Butte is asking with the hopes that any little bit will be distributed to the City of Elephant Butte.

Yvonne Taylor, 118 Huron, Elephant Butte, NM stated that she thinks there should be a rate increase but the increase is almost double, which is too much for Seniors on fixed incomes. Ms. Taylor is also concerned that

she will be paying double but when if commercial rates go up the businesses raise their rates. Council has lost integrity because perception is the increase is being considered due to the acquisition of the Golf Course.

Shiela K Barton, 105 Cardinal Court, Elephant Butte, NM, stated writing a comment and got a general response from Public Works Director Cole, Mrs. Barton has a problem with the 82% increase on people. Modifications process was the in locals but Out of Towner's had no notification because they don't subscribe to local newspapers. Mrs. Barton is suggesting that the amount should be reconsidered.

Dean Banks, 120 Huron, Elephant Butte, NM Mr. Banks was the Operator of the City of Elephant Butte since 2008 until last year when retired. Mr., Banks worked Lakeshore before that worked that water system for 22 years. 2011 water increase. Mr. Banks does not have an issue with the increase, but has a problem with how Ordinance is written; Mr. Banks is suggesting to reduce the reconnect charge to \$25.00 People who leave will disconnect and not pay any water and when they do return they will come back and reconnect for the \$25.00 which is causing the city to lose money.

Ray Hodges, 915 Butte Blvd, Elephant Butte, NM stated that Commercial Rates are not listed; Mayor Kent stated that those rates were not listed because there were no commercial rates previously Mr. Hodges is the only restaurant on water rates. Mr. Hodges would have to raise his prices to make up for the increase putting him at a disadvantage. There are currently 13 businesses listed that would be affected by the commercial water rate increase.

Pat Day 102 Century Dr. Elephant Butte, NM moved out in double wide and septic tank in 2007. Less than one year Ms. Day was forced to go on sewer and rip that out. Ms. Day is questioning why everyone else is not on sewer. Ms. Day stated that that the increase up to \$40.00 is quite a bit Ms. Day is not against an increase but is concerned about the amount of increase.

At 2:59PM Public Hearing was closed

Mayor Pro-Tem Skinner has a question on the usage rate being raised. Public Works Director Cole stated that there was never a Commercial rate, therefore the commercial rate is going to be set because a business uses about 72,000 gallons when a residential will not use that amount and this puts a strain on the water system therefore there is a need for higher rates..

Councilor Rogers stated that New Mexico Water Commercial rates need to be looked at and communicate why not everyone is on city sewer and not likely to be for quite a while.

Mayor Kent stated that sewer phases cost anywhere for \$400,000 to over \$1,000,000. Mayor Kent is suggesting another workshop to discuss this topic and all concerns presented today. Mayor Pro-Tem also stated that Dean Banks brought up the reconnect fee which is a good point and needs to be considered.

Councilor Rogers researched New Mexico water rates and New Mexico Water charger \$20.28 plus a commodity charge of \$3.39 per 1,000 for commercial rates per month.

Mayor Kent stated for the record that there is absolutely no comingling of funds with the City of Elephant Butte and the Golf Course is completely separate enterprise. There is no comingling of funds. The Golf Course expenses are being paid by the Revenue coming in at the Golf Course. As said in the Town Hall Meeting if the Golf Course cannot support itself it will close and be turned into a walking path or a park. Mayor asked that this statement be relayed to Yvonne Taylor since she is no longer present at this meeting.

Manager Lucero stated that it is against state law to comingle Enterprise funds and General Funds. Water and Wastewater whatever is brought into those two funds has to stay there and cannot be used for any other purpose.

Mayor Pro-Tem Skinner stated that is exactly right a problem that the City has been subsidized by state and now the city has to figure out how to pay the bills.

Public Works Director Cole stated that as of right now the burden of the impact fees does fall to the General Fund. The increase needs to happen in order to keep the General Fund intact.

Councilor Rogers made a motion to postpone Ordinance 164 Utility Rate Changes for further discussion to Regular City Council Meeting August 2, 2017; Councilor Lafont seconded.

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

REGULAR ITEMS

Fire Chief Boone made the recommendation to allow for aerial device since in the past the city was under conditions 2,3,and 4 of drought and this year we are at condition 0 which is an abnormally dry which is typical for New Mexico. Special Use permits for aerial devices, which would make us marketable for special events such as weddings etc. We were not able to accommodate in the past.

Speaking with the State Fire Marshall there would be no conflict. There is daily communication with dispatch regarding burn days and non-burn days. In order to burn in Elephant Butte a call needs to be made to dispatch in order to find out whether or not it is a burn day. This is for the whole Fire District of Elephant Butte.

Mayor Pro-Tem Skinner is against this if it is permitted in residential areas. There will be steps in place and anybody that is wanting to use aerial devices those people will meet with Manager Lucero and Fire Chief Boone to advise of rules and ordinances that come with these special permits. All safety precautions will be considered before permits will be issued. The subsection identifying aerial devices will be addressed and enforced.

Mayor Kent questioned who is responsible if something does result from this. Chief Boone stated that with that permit the person applying for the permit will be responsible for any damage caused by those individuals holding the permit. Council would like this being looked into to be presented at a later date.

Chief Boone stated that Ordinance 85 is a revision of Ordinance 83, breaking down Ordinance 25 which there are several sections that may not be in line with State Statute. In the Bill of Rights Article 2 Section 6 of the Constitution states that no Municipality shall regulate in any way from the right to bear arms. Chief Boone does not want to get rid of this Ordinances Chief Boone would recommend that these Ordinances be amended. The amendment will be considered and discussed further.

The Burn Ban Resolution has been rescinded as per Chief Boone.

Manager Lucero stated she was not at the last Planning and Zoning Meeting, but, No. P-2017-002, Preliminary and Final Plat approval of re-subdivision of Turtleback Mountain Resort PUD, PA-C 5-acre commercial parcel, was passed at the Special Planning and Zoning Meeting.

Councilor Rogers made a motion to approve No. P-2017-002, Preliminary and Final Plat approval of re-subdivision of Turtleback Mountain Resort PUD, PA-C 5-acre commercial parcel; Mayor Pro-Tem Skinner seconded.

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

Manager Lucero stated that Planning and Zoning Commission had one recommendation about the 20-acre outdoor recreational parcel. David Senn brought in new maps. There is limited access to the road on Sunset Ridge Road. This is just to approve that this parcel has been platted. According to City Attorney Rennick the road is a completely different issue. Chief Boone stated that speaking with Travis Atwell, Floodplain Manager of Sierra County, Mr. Atwell claimed that this road is passable in one lane.

**Councilor Rogers made a motion to approve No. P-2017-002, Preliminary and Final Plat approval of re-subdivision of Turtleback Mountain Resort PUD, PA-R 20-acre outdoor recreational parcel;
Mayor Pro-Tem Skinner seconded.**

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

Mayor Kent stated that when the FY 16-17 calendar was passed there were 4 different times that flags were going to be placed, but there have not been enough volunteers to put flags out and take them down.

An executive decision was made due to the safety of all volunteers. Discussion is being made that the intersection of Butte Blvd and Warm Springs.

Chief Boone stated that the Elephant Butte Fire Department will put different Branches of the Military Flags at the Intersection only.

Mayor Kent stated that all employees should be paid with a suggestion for salary employees to be compensated for that time.

EXECUTIVE SESSION

At 4:02pm, Mayor Pro-Tem Skinner made a motion to go into Executive Session to discuss NMSA 1978 10-15-1(H) (8) purchase, acquisition or disposition of real property of water rights by the public body: Turtleback Mountain Properties

Councilor Rogers seconded.

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

Motion carried.

Council came out of executive session at 4:42pm.

Councilor Lafont certified that only matters on the agenda had been discussed, no decisions had been made, and no action had been taken.

ADJOURNMENT:

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

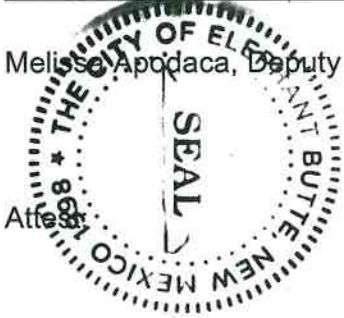
Meeting adjourned at 4:43pm.

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

July 5, 2017

Melissa Apodaca

Melissa Apodaca, Deputy Clerk



Attest

Karen Rieth, CMC

Karen Rieth, CMC
Clerk-Treasurer

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