



**COUNCIL MEETING**  
**Wednesday, July 5, 2017**  
**103 Water St. Elephant Butte, NM 87935**  
**ACTION MINUTES**

**WORKSHOP**

Mayor Kent called the Workshop to order at 1:00pm

Mayor Kent stated that the Workshop will be discussing Ordinance 164 Utility Rates. Mayor Kent stated that due to the public input Utility Rates was postponed for further discussion. Some on the input was valid points which led to the postponement and further discussion in this workshop. Mayor Pro Tem Skinner had an issue with commercial rates and was thinking of not having a commercial rate at all. Councilor Trager stated her concern for the restaurants and what burden that would put on the restaurant owners with their high water usage. Public Works Director stated that there is a possibility of commercial rates being left out of this rate increase, which would mean that everyone pays the residential fee of \$22.59 instead of the commercial rate of \$27.00 with both having a charge of \$3.25 per 1000 gallons for both residential and commercial. The disconnect fee is only \$15.00 which would encourage users to disconnect when they were not in town rather than pay for minimum usage and reconnect when they do return. This fee is considered being raised to \$25.00. Not too many part time residents are disconnecting because they want the convenience of having water available immediately when they are passing through, rather than having to wait for the water to be turned on. The standby fee being considered for water would be \$30.00 per year. If the Commercial rate was to be at \$27.00 base rate it would be comparable to New Mexico Water. Another possibility was brought up about having outside city limits rates a little higher. Councilor LaFont stated that the rates should be comparable to New Mexico Water. The City of Elephant Butte has never had a Commercial Rate, but Mayor Kent stated that if the city wants to apply for grants there needs to be commercial rates set in place. Public comment was not against the base rate the issue was the usage rate. Also the wastewater rate should be stepped up instead of the full increase all at once. Mayor Kent is asking that a Public Hearing be set for August so the rate increase could go into effect in September. Clerk Rieth stated that taxes need to be clarified on what the actual tax rate and what needs to be charged to the customers. Manager Lucero is looking the correct tax amount. Mayor Kent stated that any increase would be assessed at the beginning of the Fiscal Year every year and it will be included in Ordinance so it doesn't have to be brought up every year. Mayor Kent stated that rates were not increased in the past because money had been given by the State to compensate for that. Public Works Director Cole suggested that rates should increase a small amount the first year and again a small amount the second year and then reconsidered on the third year. This will give three years of data and that would determine where the revenue is at and what needs to be done to adjust for that. New Mexico State Parks is on Phase to be connected to City Wastewater but not anytime in the near future Parks is having the issue with budget and funds as well. The Connect for Meter Installation is \$1000 for Residential and \$2250 for Commercial which did not change. There have been no issues with rates other than now that annual fees are due customers don't remember paying but once the account is looked at an explained to them they do remember. Another increase that has taken place is the Lien Fee which was \$35.00 and that has been increased to \$75.00. It costs the City \$25.00 to place the Lien and another \$25.00 to Release the Lien plus all the labor in preparation of the Lien.

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Kent called the Meeting to order at 2:00pm, and Mayor Pro Tem Skinner led the Pledge of Allegiance.

**ROLL CALL**

Clerk Rieth called the roll.

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

Councilor Rogers was not present

Also, in attendance were 1 member of the press and 4 members of the public

Clerk Rieth declared a quorum was present.

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

### **PUBLIC COMMENT**

Rex Ploederer, 100 Canadian Circle, Elephant Butte, NM, reported on National Night Out which is an event to increase awareness of Police Programs in communities in drug prevention, neighborhood watch and other crime prevention programs. This event is scheduled this year for August 1, 2017 which would be a great opportunity to know your neighbors and law enforcement officers. Mr. Ploederer is willing to test the waters with the intention to help support National Night Out, possibly using the parking lot at the church or a park. Mr. Ploederer would like to see this because a successful annual event.

### **APPROVAL OF AGENDA –**

**Mayor Pro Tem Skinner made a motion to approve the Agenda with the removal of Item 7C; Re-appointment of Fire Chief Toby Boone**

**Councilor LaFont seconded.**

**A Roll Call Vote was held:**

**Councilor LaFont voted yes.**

**Councilor Trager voted yes.**

**Mayor Pro Tem Skinner**

**Motion carried.**

### **MAYOR AND COUNCIL REPORT**

Mayor Kent personally thanked Chief Boone for putting flags out for the Fourth of July, because of the difficulty and safety of the Volunteers. Chief Boone placed the services flags on the corner of Warm Springs and Butte Blvd. Mayor Kent also wanted to congratulate Jesse Cole for achieving his level 4 Wastewater Certification. Mayor Kent also wanted to thank all visitors that came out to Elephant Butte for the busy weekend. Family Dollar was busy for the first time out in Elephant Butte on the Fourth of July weekend.

Councilor Trager stated attending South Central Council of Governments meeting in Las Cruces. Councilor Trager went on a walking tour of the Downtown Plaza area which has charging station with benches for people to rest while charging their electronics, SCCOG is also using TID Tax increment development for revitalization program which is 75% of the GRT increase that can be implied on the infrastructure. Also discussed for Ordinances for Food Trucks and Farmers Markets, some of the restaurants are not too happy with food trucks. Hidden Star Development is a new grant for new small businesses to help those businesses to stay open. One of the Mayors asked about the State Budget which would no exact information was available at this time, but after July a review of oil and gas would probably hold Special Session in January. It was time to elect officers and all officers were reelected. There has been a lot of work to increase tourism and to increase film in the Southern part of the state. With efforts on tourism Travel South Central New Mexico Website is up and running.

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

Mayor Pro Tem Skinner reported attending the Sierra Vista Hospital Board meeting, Also Mayor Pro Tem Skinner also attended Chief Elected officials and Workforce development board combination meeting which included the review of Interim budget as well as the approval of Open Meetings Act and other topics that were needed for the upcoming year.

### **BOARDS AND COMMITTEE REPORTS**

**Mayor Pro Tem Skinner made a motion to re-appoint City Manager Yovanne Lucero**

**Councilor LaFont seconded.**

**A Roll Call Vote was held:**

**Councilor LaFont voted yes.**

**Councilor Trager voted yes.**

**Mayor Pro Tem Skinner**

**Motion carried.**

**Mayor Pro Tem Skinner made a motion to re-appoint Clerk-Treasurer Karen Rieth**

**Councilor LaFont seconded.**

**A Roll Call Vote was held:**

**Councilor LaFont voted yes.**

**Councilor Trager voted yes.**

**Mayor Pro Tem Skinner**

**Motion carried.**

### **Manager's Report**

Manager Lucero reported that Ads for Golf Course/Pro shop employees are published. Interview will be held within the next week.

Manager Lucero and Clerk Rieth have discussed assigning Utility Clerk Vasquez to an asset management plan for each department, which all assets will then be accounted for. Manager Lucero will be working on Ordinance for Water and Wastewater

Manager Lucero has spoken to P&Z about the Comprehensive plan and what is working and what could use improvement. On July 14<sup>th</sup> Manager Lucero will be attending GRT Workshop in Albuquerque; legal restrictions that are put on various reports will be looked at that that time. Reports are public documents and confidential information is on some of those reports therefore that will be addressed at that time too.

Looking at Business registration and process to make sure that all businesses are obtaining a Business Registration Manager Lucero stated that a the 455 Report is issued which is monthly, quarterly and semiannually reporting of who is reporting GRT to the City. Manager Lucero assigned Utility Clerk Vasquez to cross reference 455 Report with business registrations and report back to Manager Lucero on who is on the report and who does not have a Business Registration with the city. And Manager Lucero will report that information to New Mexico Tax and Rev to ensure that everyone is paying where and what they should be reporting. On July 26-28 Manager Lucero will be attending the City Managers Conference in Santa Fe.

### **Fire Chief & Code Enforcement Officer Report**

Chief Boone reported Fire, EMS, and Code Enforcement Calls which are included for the record

### **Clerk-Treasurer's Report**

Clerk Rieth stated that the Annual Audit for has been scheduled for the week of August 21-25, 2017. Clerk Rieth also stated that Court Clerk Apodaca will be attending the Court Clerk Training in Albuquerque July 17 - 21, 2017. Clerk Rieth stated that the Utility Bills that will be going out in July will be using the new Postcard format. In the June bill customers received an insert notifying them of the changes and explaining how to read the new bills. The City is currently accepting bids for RFP 17-18-001 Retaining Wall at City Annex. The Pre-bid meeting Will be held on July 6, 2017 at 9AM.The bid opening will be on July 20, 2017 at 2PM

### **CONSENT ITEMS**

**Mayor Pro Tem Skinner made a motion to approve the Consent Items: Approval of Regular Meeting**

**Minutes; June 21, 2017;**

**Councilor LaFont seconded**

**A Roll Call Vote was held:**

**Councilor Trager voted yes.**

**Councilor LaFont voted yes.**

**Mayor Pro Tem Skinner voted yes.**

**Motion carried.**

### **Public Hearing**

Public Hearing Opened at 2:31 For Final Budget for FY 17-18 and had no Public Comment.

### **REGULAR ITEMS**

Clerk Rieth stated that there is only one change being proposed for the Open Meeting Act, which the city has placed a message board outside the Recycle Center. Pat's will be replaced with the Recycle Center Area as one of the six posting areas. The Posting areas are The Fire Station, The Community Center, The Post Office, Outside the Council Chambers, Outside City Hall, and now at the Recycle Center Area.

**Mayor Pro Tem Skinner made a motion to approve Resolution 17-18-100 Open Meetings Act; Councilor Trager seconded**

**A Roll Call Vote was held:**

**Councilor Trager voted yes.**

**Councilor LaFont voted yes.**

**Mayor Pro Tem Skinner voted yes**

**Motion carried.**

Clerk Rieth reported that the annual Rules and Procedures remains the same it has for the past several years.

**Mayor Pro Tem Skinner made a motion to approve Resolution 17-18-101 Rules and Procedures;**

**Councilor LaFont seconded**

**A Roll Call Vote was held:**

**Councilor Trager voted yes.**

**Councilor LaFont voted yes.**

**Mayor Pro Tem Skinner voted yes**

**Motion carried.**

Manager stated that about a month ago Manager Lucero was asked who the Floodplain Manager in which at that time the City did not have one, which the City was not in compliant with the State Statute. Manager Lucero Spoke with County Manager Bruce Swingle and Travis Atwell, In order to be compliant with the National Floodplain Insurance Plan of New Mexico and with State Statute.

**Mayor Pro Tem Skinner made a motion to approve Discussion/Possible Action MOU: Floodplain Manager; Councilor LaFont seconded**

**A Roll Call Vote was held:**

**Councilor Trager voted yes.**

**Councilor LaFont voted yes.**

**Mayor Pro Tem Skinner voted yes**

**Motion carried.**

Chief Boone stated that need for amendments to Ordinance 83 Dangerous Weapons is actually Chapter 131.12 through 131.19 of the Current Ordinance, which stated its unlawful to carry in the municipality a concealed loaded firearm which is contrast to state law as well as a Constitutional right. The amendment will be lawful instead of Unlawful. Most municipalities are allowing Public Safety Officers to Open or Conceal Carry and Chief Boone would like to propose that as well in this municipality. The recommended changes are included for the record. Chief Boone also suggested that the removal of the Ordinance 83 sign posted on the building should be removed.

Chief Boone reported on amendments to Ordinance 92 Fireworks which has had an amendment which includes that a Fireworks permit must be obtained the permit would have to go through the Fire Chief or City Manager to approve or deny the permit depending on the information required. Also all private Firework shows must be on commercial property. Also for Special Events arrangements or contracts would be made with the Fire Department to have fire trucks on standby.

Chief Boone reported on the amendments to Ordinance 60 Uniform Fire Code which has not been used since 2003 the proper term in National Fire Code. New Mexico is updating their code. Chief Boone is suggesting that

the City adopt the National Fire Code as well. TO be consistent there has been some changes to the languages it will be changed from Chief of Fire Preventions Bureau to Chief of the Fire Department.

Manager Lucero reported the discussion of proposed Ordinance 166; Local Economic Development Act with the acquisition of the golf course many issues came up violating the Anti-donation policy. It is recommended having a LIDA which will help work around the Anti-donation policy.

### EXECUTIVE SESSION

At 3:03pm, Mayor Pro-Tem Skinner made a motion to go into Executive Session to discuss NMSA 1978 10-15-1(H) (2) Limited Personnel matters; Fire Chief; 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.  
Motion carried.

Council came out of executive session at 4:37pm.

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.  
Councilor Trager seconded.

Meeting adjourned at 4:38pm.

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

*July 19, 2017*

  
Melissa Apodaca, Deputy Clerk

Attest:

  
Karen Rieth, CMC  
Clerk-Treasurer

