



**COUNCIL MEETING**  
**Wednesday, August 2, 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 Rogers led the Pledge of Allegiance.

**ROLL CALL**

Clerk Rieth called the roll.

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

Councilor Trager was present via phone.

Also, in attendance were City Manager, Public Works Director, and Fire Chief

Clerk Rieth declared a quorum was present.

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

**PUBLIC COMMENT**

No Public Comment at this time

**APPROVAL OF AGENDA –**

**Councilor Rogers made a motion to approve the Agenda; Councilor Lafont seconded.**

**Roll Call Vote was held:**

**Councilor Lafont voted yes.**

**Councilor Rogers voted yes.**

**Councilor Trager voted yes.**

**Mayor Pro Tem Skinner voted yes.**

**Motion carried.**

**MAYOR AND COUNCIL REPORT**

Mayor Pro Tem Skinner did not have anything to report at this time other than attending several meeting one being the New Mexico Legislative Committee for Rural and Economic Division.

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

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

Councilor Trager stated that the issue with the Balloon Regatta and the State Parks Insurance issue has been resolved.

Mayor Kent did not have anything to report at this time

**BOARDS AND COMMITTEE REPORTS**

No Board or Committee Reports at this time

**MANAGER'S REPORT**

Manager Lucero reported attending the City Managers meeting and learned that there are 5 cities in the state that are suing Tax and Rev, the reason is that Tax and Rev raised GRT rated and these cities believe it is

unconstitutional and should not have been done administratively there should have been a process that should have been followed, also because only small portion of the whole amount collected is going to GRT. Manager Lucero will be attending the Municipal League Conference meeting in Clovis

## **FIRE CHIEF AND CODE ENFORCEMENT REPORT**

Chief Boone stated attending the Southwest Advisory Committee meeting in Albuquerque which covered EMS Changes that affect each Region. A few improvements have occurred at the station which includes the automatic doors which reduces response time since the doors are now remote operated. Also, new radio towers which are going up and in the next few weeks Elephant Butte Fire should be going live in the next couple of weeks.

Chief Boone also stated that since January 2017 there have been a total of 73 complaints. 46 of those have been animals at large. One ongoing issue is in the process of being resolved with the sale of that piece of property. One person on Nambe Loop has been issued a Notice of Violation which is being followed up on. To date there has been a total of 27 Zoning Permits for Residential and Commercial Use.

## **CLERK-TREASURER'S REPORT**

Clerk Rieth stated that Lodger's Tax Advisory Board still needs a member appointed. Also, a tentative Annex timeline from the Architect that as of August 2 – revised floor plan for Annex, September 29 Construction Doc's ready, October 2 Drawing Available and Advertise for Bid, Week of October 9 Pre Bid Meeting, November 1 Council Award Bid, November 6 Notice to proceed, and anticipate 10-12 Months Construction. Current drawdown that is available from the Rock Canyon and Annex Loan is \$295,616 and the Project estimate is \$900,000 additional gap funding needed is \$604,384. The city needs to obtain gap funding prior to October 2 in order to maintain this timeline.

## **CONSENT ITEMS**

**Councilor Rogers made a motion to approve the Consent Items: Approval of Regular Meeting Minutes; July 19, 2017;**  
**Councilor Lafont 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.**

## **Public Hearing**

Public Hearing for Ordinance 164; Water and Sewer Rates

2:34pm Mayor Kent opened the public hearing for Adoption of Ordinance 164 Water and Sewer Rates Hearing.

Mayor Kent started the Public Hearing with an explanation of why the increase is necessary which included Infrastructure, installation, and maintenance. The public has brought up the question of why is the City of Elephant Butte the highest. Mayor Kent stated that the City of Elephant Butte is competitive and is neither the highest nor the lowest but average compare to other areas comparable to the City. Mayor Kent also stated that the public has brought up issues regarding that this increase has not been made available to the public and not many knew about the increase. Mayor Kent stated that according the Open Meetings Act the city is in compliance all meetings and notification have been posting at the Post Office, the Fire Station, Community Center, and Outside the Recycle Yard, outside the Council Chambers Door, outside City Hall, as well as on Facebook, and the City Website. Another important comment is that the reason that the city is raising the rates is because of the acquisition of the Golf Course. Mayor Kent wanted to clarify that the Golf Course is a

completely different enterprise and monies cannot be moved from water, wastewater, and golf course cannot be used to cover each other.

Merry Snelling, 107 Superior, Elephant Butte, stated being a resident for 30 plus years and it is getting very expensive to remain a part time resident, the total cost to maintain a house has gone up 50% in the last 10 years not just in utilities but in taxes and insurance and overhead in general. Mr. Snelling is proposing of a similar approach as to what is being implied in Albuquerque including a low fix base rate a utility rehab fee and taxes of \$12.00 and month sewage is based on average winter usage for water.

Sheila Barton, 105 Cardinal Ct, Elephant Butte, stated that not all of Elephant Butte is supporting this Mrs. Barton opposes 41% increase and 44% commercial also opposes 7/1/2018 increase. Sewer hookups should have been completed by now Mrs. Barton would like to know if rates will be reduces once more people are connected. Mrs. Barton is disappointed on the injustice that it is not regulated by Public Commission.

Clyde Barton, 105 Cardinal Ct, Elephant Butte, stated being a Licensed Contractor for Septic Services since 1983. Originally the project was supposed to be completed in 6 phases and it is not fair that only 40% of the residents are required to pay.

Terry Squier, 100 Mesa Grande, Elephant Butte, Owner of Buddy's Boat and RV Storage, asked to have a statement read by Manager Lucero due to the fact that he could not be present. Mr. Squier stated in his statement that this was written before learning that installation of commercial rates have not been increased and actually came in and met with Manager Lucero and Mayor Kent. Mr. Squier could not believe that the City of Elephant Butte was imposing a controversial ordinance without any notice to the Public. The fee structure will have a negative impact on future economic growth of the city. Mr. Squier is asking action be delayed until proper notice is given and advertised in newspapers and on utility bills after all you do want the public to have input.

Mario \_\_\_\_\_, 710 Butte Blvd, Elephant, was concerned of why it was not made publically known like being put onto the utility bill. Clerk Rieth stated that it was on the bills stating date and time of the Public Hearing. Mayor Kent stated that we are in compliance with the Open Meetings Act, but are going above and beyond to notify the public.

Mayor Kent closed the public hearing at 2:58.

## **REGULAR ITEMS**

**Councilor Rogers made a motion to adopt of Ordinance 164; Water and Sewer Rates  
Mayor Pro Tem Skinner 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.**

Clerk Rieth stated tthat the bid opening for RFB 17-18-001 Annex Retaining wall was held on July 25, 2017 at 2PM in which there were 2 bidders that responded. Those bidders were Mevacon LLC out of Las Cruces with a bid of \$56, 694.98 and Garrett Western Construction out of Truth or Consequences with a bid of \$98,865.00. Architect estimate came in at \$25,000. The Architect originally designed a CMU wall, which uses preformed lock. The reason for this is that this is the most common and cost effective material for retaining walls. However, after seeing the cost of the bids, the architect feels, and Director Cole concurs; that the cost of transportation for the blocks outweighs the costs of putting up forms for a formed concrete wall, especially given the close proximity of available concrete from local vendors such as Bartoo. Director of Public Works Jesse Cole and Clerk Rieth had a phone conference with the architect, and recommend going out to bid again

with a formed concrete wall. There are a couple of options for Council to consider which would include to accept the low bid of \$56,694.98 and move forward with the project, or Reject all bids and go out for bid again, or hold off on the project to include the retaining wall when bid for the entire Annex Project goes out. Mayor Kent suggested meeting with the Engineer to make any changes necessary and go out for rebid.

**Councilor Rogers made a motion to Reject all bids and go out for Bid again  
Councilor Lafont 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.**

#### **Resolution 17-18-105 LGRF; MAP Project for Warm Springs**

Manager Lucero stated that the city was awarded with a match of \$92,000 which is 25%. The city will have 2 years to come up with match.

**Councilor Rogers made a motion to approve Resolution 17-18-105 LGRF; MAP Project for Warm Springs; Councilor Lafont 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.**

#### **EXECUTIVE SESSION**

**At 3:13pm, Councilor Rogers made a motion to go into Executive Session to discuss NMSA1978 10-15-1(H)(8) purchase, acquisition or disposal of real property or water rights by the public body: Taylor Road & Sierra Del Rio ;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.**

**Council came out of executive session at 4:19pm.**

Councilor Lafont 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 stated that there was 4 comps a roadway the lowest was \$0.27 a square foot. Council would like to allow credit for the 8 years of rent. Manager Lucero will meet with Mr. Swan to present the offer of purchase of the roadway

**Mayor ProTem Skinner made a motion to sell property for Taylor Road; 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 4:23pm.

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

*August 16, 2017*



\_\_\_\_\_  
Melissa Apodaca, Deputy Clerk

Attest:



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Karen Rieth, CMC  
Clerk-Treasurer



**Final Page of City Council Meeting Minutes for August 2, 2017**