



CITY COUNCIL MEETING
Wednesday, February 7, 2018
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 171-Small unmanned aircraft, which was tabled from the last meeting because of questions that were still left unanswered, and discussion of policy for renaming public places. Mayor Kent stated that a copy of the Ordinance was given to City Attorney Charles Rennick to go over to cover all legal portions of the Ordinance due to liability. Legally police cannot do much about the unmanned aircraft it has to be more of a neighborly discussion.

Russ Trager of 5050 Lakeshore Dr., Elephant Butte stated that being a FAA Pilot for drones, he has studied much on drones. The idea of flying low taking away privacy is not the intention of the drones. Flying at 200 feet to shoot pictures of different landscapes and of the water, not over people's homes or yards is what the main purpose of the drones is. People do not like drones but cannot explain why they don't like them. There is really no real reasoning on why people just don't like them. There is a misconception of the drones looking into a window; the drone camera picks of the reflection from the window rather than what is actually inside the window. Also, from 200 feet up it is actually hard to distinguish what is actually being looked at. Mr. Trager flew over his own home and looked at the video later and had a hard time distinguishing the basketball hoop on his property.

Mr. Trager's reaction to there being an opposition to drones with us being a recreational city and people wanting to come to our city we want people especially those who can afford these drones to come here and to shoot pictures. Mr. Trager created a document from the website of all crashes ever recorder that have taken place involving drones since 2006 which was 22 involving citizens and 33 involving Military and Law Enforcement. There have not been any crashes since July 2017 because the software has improved where they cannot hit a structure. With this software the drone can cone no closer than 8 feet of a building it won't hit it will hover and the pilot will have the opportunity to move it away.

A drone cannot see the smaller branches of a tree, but can see a tree full of leaves and thicker branches. Landscapes and Building can be seen very clearly, people are hard to distinguish with the height, because 200 feet is the FAA guideline for flying around people and buildings the guidelines depends on the topography. Drones are a great business tool Mr. Trager got his to find launch spots for kayaks especially during busy times in the summer. Mr. Trager hopes to use his to follow a kayak from Marina Del Sur to Pirates Cove and edit it and use it as an advertising tool. If a neighbor is having an issue with drones flying it should be more of a neighborly discussion because the FAA already has regulations and should be followed it should be neighbors talking to each other.

Mr. Rogers questioned who is going to police this issue and enforce if someone doesn't like this issue. All drones have to be registered and are issued a number, without the drone being registered the drone will not take off, also is any updates are necessary the drone will alert you. The drones will not fly toward the airport because that is restricted area nor will it fly to the hospital because of the Helipad. What brought up the request for this Ordinance was because of complaints of drone hovering at 40 feet.

Sheriff Hamilton would like to speak to the Mayor about this Ordinance. Mayor Kent stated she was going to ask the City Attorney to hold off until Mayor Kent is able to meet with Sheriff Hamilton and discuss it more.

Mayor Kent stated that on the renaming of a public place and Mr. Rogers will discuss what he has done since he has been the one that has actually don't research on this topic Mr. Rogers stated that his thoughts on

naming public places in the State of New Mexico an organization can determine what they want to do as far as naming which is pretty much true across the country.

Mr. Rogers feels that there has to be a really good reason for naming some public place. A discussion has been made in the past that a policy and procedure should be in place on what qualifications or criteria are in place to rename a place but there should be a uniform scale to go by in order for a place to be renamed or named in honor someone or something. Mayor Kent stated that until the City hires a City Manager the city will not renaming or naming places. When a new City Manager is hired this discussion will be revisited.

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

Clerk Rieth declared a quorum was present.

Also, in attendance was 1 member of the public.

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

PUBLIC COMMENT

No Public Comment at this time

PRESENTATIONS

No Presentations at this time

APPROVAL OF AGENDA –

Councilor Rogers made a motion to approve the Agenda

Councilor Lafont seconded.

Motion carried unanimously.

MAYOR AND COUNCIL REPORTS

Mayor Pro Tem Skinner Reported being in Santa Fe all last week and met with the New Mexico Hospitality Associations visitation has increased in New Mexico. NM Hospitality now has a database which shows GRT, Lodgers Tax, as well as State Parks that way visitation can be seen. Mayor Pro Tem also stated attended the Municipal Day Conference where Mayor Tem was able to speak about the loans. Also, the Mescal project was presented.

Councilor Lafont had nothing to report at this time.

Councilor Rogers reported that Sierra County Regional Dispatch Authority Meeting is scheduled for the February 21, 2018 at 10:00AM.

Councilor Trager reported that on Friday February 9, 2018 Will Dooley and Councilor Trager met with Susie Lawrence from the Tourism Department in regards to the rural pathway program. The project was not awarded, but great feedback was given so that way the city is not set up for failure. The Rio Grande Trail Project is meeting in Santa Fe February 9, 2018 and Ms. Lawrence will be attending on the City's behalf. Mrs. Trager also attended the NM Hospitality Meeting in Santa Fe with Mayor Pro Tem Skinner

Mayor Kent reported that a Planning and Zoning meeting was held on February 6, 2018 and since we are in the process of hiring a new City Manager, Mayor Kent attended in that seat. Chief Boone and Code Enforcement Officer Spencer were in attendance as well. Mayor Kent Stated that the Comp Plan is trying to be completed as quickly as possible, to help with the background Site Southwest is going to be contacted for information. Mayor Kent stated she contacted Randy Van Vleck and Mr. Van Vleck will be coming in and will be having a Planning and Zoning training on March 14th from 1:00PM to 4:00PM in the Council Chambers. Mayor Kent extended the invitation to the Councilors who would like to attend. Planning and Zoning decided at the last meeting that it should be mandatory that all commissioners attend. Also, Mayor Kent is extending the invitation to the neighboring communities that would like to take advantage of this training. The Red Lot issues were discussed especially because there are people wanting to build on Red Lots. Mayor Kent stated she has been meeting with the employees and getting input from them and from their input there are some processes that need to be improved with the way different things are being handled. Mayor Kent is scheduled a meeting with the Department Heads to go through the budget and where we are with the Budget and what processes need to be revisited. Mayor Kent and Clerk Rieth will be meeting with the Department Heads at Sierra Del Rio. Mayor Kent will be performing a Performa to look at expense versus revenue at Sierra Del Rio do see what will have to be done there. Mayor Kent stated that at this point we do have a Procurement System that is very broken and needs to be fixed including how Invoices are handled as well as handling and issuing of requisitions.

BOARD AND COMMITTEE REPORTS AND APPOINTMENTS

Mayor Kent stated that in previous meeting it was discussed that a member for the Lodgers Tax Advisory Board was needed. This person had to be involved in retail. Fortunately Councilor Trager was at an Expo in Las Cruces and had an opportunity to meet with Garrett Stockton. Councilor Trager asked Mr. Stockton if he would be interested in serving on the Lodgers Tax Advisory Board and Mr. Stockton agreed. Mayor Kent asked for the Councilors' support in the appointment of Mr. Garrett Stockton. Mr. Stockton does have a business here in Elephant Butte. Mr. Stockton stated that and is the owner of New Mexico Wake, which is a boat rental and storage center. Mr. Stockton stated that he had a partner the first year he opened his business, but is now in his third year in business.

Councilor Trager made a motion to Appoint Garrett Stockton to the Lodgers Tax Advisory Board

Councilor Rogers seconded.

Motion carried unanimously.

FIRE CHIEF REPORT

Chief Boone reported that not much has changed in the last two week. The Department is at 10 Fire Fighters at this time. To date the department has run 1 Fire Call and 8 EMS Calls within the last month.

CODE ENFORCEMENT REPORT

Code Enforcement Officer Spencer reported that there is a new software program in place called iWorks. This program will generate a report on what Code Enforcement is doing. This month there are some outstanding investigations that are taking place at this time. There have been a total of 34 calls/complaints that were documented and are being handled. Mayor Kent wanted to applaud Chief Boone and Code Enforcement

Officer Spencer in getting the information and data entered into this software. This will help Council and the Mayor with data and information that is going on in the city related to Code Enforcement.

CLERK-TREASURER REPORT

Clerk Rieth reported an update on the Budget as of February 5, 2018. There are some areas that need to be addressed. Mayor Kent and Clerk Rieth will be strictly monitoring the budget and spending. Clerk Rieth stated that there is not any money in the Budget to run the shuttle in the summer months to pick up passengers off the beach and get them to different businesses in Elephant Butte and Truth or Consequences. Mayor Pro Tem Skinner left a message with CD Media about the television advertisements. Clerk Rieth stated that we are still waiting on some money to come in regarding the Nambe Loop Project. Mayor Kent asked if the Road Projects line item will be overrun, and it may be over because of a change order. Public Works Director was asked to look into that. Clerk Rieth stated that there were many items that were not budgeted for in the past but recommends that this year the budget be closely looked at. Clerk Rieth cautioned the Council that spending during an election year should not exceed 75% of budgeted expenses prior to the election. Clerk Rieth stated that the election is still underway and Early Election begins on February 14, 2018.

Expanding the Mayors Report Mayor Kent has asked the Public Works Director Cole to report on stuff that is going on from the Public Works Department. Public Works Director Cole reported annual samples have been sent to labs around the state as a requirement. Also, Public Works Director Cole also stated that two pumps were installed today one at Lift Station 3. By installing these pumps it should eliminate some of the utility overhead cost, with the old pumps the utilities were being run excessively. Those pumps will be paid out of a grant. Public Works Director Cole also reported an update on another grant in which old diffusers will be replaced with a newer style which will also eliminate some of the utility overhead costs.

Mayor Kent stated that it has been brought to her attention about speed bumps on certain streets. Mayor Kent stated that it is a long, extensive, and expensive process in order to get speed bump placed on streets. In the meantime Mayor Kent wants to meet with Public Works Director Cole about placing Speed Limit signs. Mayor Kent also stated that she would like to get with Sheriff Hamilton about having his deputies patrol those areas and start issuing citations for speeding. Public Works Director Cole was also asked to look into the portable speed limit monitors in the meanwhile.

CONSENT ITEMS

Councilor Rogers made a motion to approve the Consent Items: Approval of Special Meeting Minutes; January 24, 2018

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.

PUBLIC HEARING

Public Hearing for Ordinance 172 Clean Water Revolving Fund

Public Works Director Cole reported that Ordinance 172 is a Waste Water Project; one of the Criteria for this project was gravity versus force main was selected based on density of lots that can be picked up in the shortest amount of space this area is essentially between Hawthorne and Beach in which 64 lots will be impacted and 10 house will be immediately be able to hook up to sewer by this project. Once project is

completed Mayor Kent stated that revenues for Waste Water Fees will be coming in and Public Works Director Cole confirmed. Mayor Kent asked when this project would begin. Public Works Director Cole does not have a contract specification document but as soon as that document becomes available it will be given to Mayor Kent. The start date is still not determined because this project still needs to go for RFP, but it will begin after this Fiscal Year.

At 2:47pm Mayor Kent opened the public hearing for Ordinance 172 Clean Water Revolving Fund.

Sheila K Barton, 105 Cardinal Ct, Elephant Butte is urging Mayor and Council to reconsider approving Ordinance 172. As it stands, it is to obtain a \$425,000 loan to provide sewer to 62-65 empty lots. Ms. Barton would prefer the money go toward connecting existing houses rather than vacant lots. Ms. Barton stated that this will allow growth in the Elephant Butte sewer system. The existing customers received an increase and there are many residences that are waiting for these lots that are not able to connect to be able to help carry the load so it doesn't all fall on the residents that are currently on the system. Mayor Kent closed the public hearing at 2:51pm.

REGULAR ITEMS

Approval of Ordinance 172 Clean Water Revolving Fund

Public Works Director Cole stated that this money can only be used to install Sewer and eliminate septic tanks from being placed in the ground and causing contamination. Public Works Director Cole also stated that the \$425,000 loan is just an estimate not an actual cost.

Councilor Rogers made a motion to approve Ordinance 172 Clean Water Revolving Fund
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.

Discussion/Possible Action NMDOT Hardship Sale; Jesse Cole

Public Works Director Cole stated that NMDOT has an Auction and when things do not sell then there is a Hardship sale and each municipality can file an application by letter of justification to DFA for Hardship. One of the main focuses is a Street Sweeper and Water Truck and a Wheel Roller and Public Works Director Cole is looking into those items. With the support of the Council, Public Works Director Cole will submit the application for \$25,000 and bring a resolution to the next meeting.

Mayor Pro Tem Skinner made a motion of affirmation to proceed in generating a Resolution for NMDOT Hardship Sale
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.

Removal of Yovanne Lucero from Bank Accounts and Credit Card Authorization

Clerk Rieth reported that City Manager Yovanne Lucero needs to be removed from the bank account and credit card. Also, Clerk Rieth asked that a \$500 limit credit card be requested for Kris Montoya of the SDR Bar and Restaurant.

Mayor Kent explained that City Attorney Rennick said it was ok to issue a credit card to a non-employee if Council was willing to take on that liability. Mayor Kent explained that Kris needed to purchase restaurant supplies, and since larger quantities were required for Shamrock foods, much of the food would spoil. Having a credit card would allow Kris to be able to make small purchases as needed from Walmart or Bullocks.

Councilor Lafont asked if \$500 was enough. Clerk Rieth explained that Kris has been averaging \$50 per week, so the \$500 actually includes a cushion to avoid going over the credit limit before the bill was paid each month.

Mayor Pro Tem Skinner made a motion to Remove Yovanne Lucero from the Bank Accounts and Credit Card, and to apply for a \$500 Credit Card for Kris Montoya.
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.

Discussion/possible action Mileage Reimbursement Policy; Karen Rieth

Clerk Rieth stated that Per Attorney Rennick, Section 2.42.2.11 (C), Public officers and employees of local public bodies may be reimbursed for mileage at the statutory rate. Clerk Rieth explained that the Statutory rate is 80% of the IRS rate from January of the Previous year, and the auditor agreed, however Attorney Rennick feels this is an allowable exception to be able to reimburse mileage at 100% of the IRS rate.

Clerk Rieth explained that the current rate is \$0.545 per mile. Based on the number of miles reimbursed in the previous year, paying 80% would save the City approximately \$2200. Clerk Rieth quoted 10-8-5, "The governing body of any local public body may eliminate or may reduce the rates set for the per diem and mileage for all or any class of public officials and employees of the local public body at any time the local public body deems it to be in the public interest..The local public body shall exercise this power of reduction in a reasonable manner and shall attempt to achieve a standard rate for all public officers and employees of the same classification".

Mayor Kent stated that City vehicles must be used first; however, if a personal vehicle must be used, Mayor Kent suggests the full 100% for the wear and tear of their vehicles, because the council understands that there are situations that cannot be avoided. Mayor Kent stated that the City Attorney agreed to write up a letter to keep the rate at the 100%. Clerk Rieth stated a letter from the City Attorney was already on file and a Resolution will be put on the agenda for the next scheduled City Council Meeting.

EXECUTIVE SESSION

At 3:32pm, Mayor Pro Tem Skinner made a motion to go into Executive Session pertaining to: NMSA 1978 10-15-1(H) (8) The purchase, acquisition or disposal of real property or water rights by the Public Body; Sierra Del Rio; NMSA 1978 10-15-1(H) (2) Limited personal matters; City Manager.
Councilor Rogers seconded.

\ 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 5:45pm.

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.


ADJOURNMENT:

Meeting adjourned at 5:45pm.

Minutes approved and adopted at the Special meeting of the City Council on February 21, 2018


Melissa Apodaca, Deputy Clerk




Karen Rieth, CMC
Clerk-Treasurer

Final Page of Special City Council Meeting Minutes for February 7, 2018