



**WORKSHOP AND
REGULAR COUNCIL MEETING
June 3, 2015
103 Water St. Elephant Butte, NM 87935
ACTION MINUTES**

WORKSHOP - Cancelled

**REGULAR COUNCIL MEETING - 2:00pm
103 WATER STREET
ELEPHANT BUTTE**

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Kent called the Regular Meeting to order at 2:00 PM, and Councilor Trager led the Pledge of Allegiance.

ROLL CALL

Karen Rieth, Clerk-Treasurer called the roll. Mayor Kent, Mayor Pro-Tem Skinner, Councilor LaFont, Councilor Rogers, and Councilor Trager were all present.

There were four members of the public, and two members of the press in attendance. Also present was City Manager Andrew Finzen, City Planner Bradford Dyjak, and Director of Public Works, Jesse Cole.

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

PUBLIC INPUT

Jay Snelling of Elephant Butte said he had just attended the Chamber of Commerce meeting at the Elephant Butte Lake RV Resort building and found it to be really nice and a huge improvement.

PRESENTATIONS

Mayor Kent presented Guy Wimberly, accompanied by Mike Williams with a proclamation declaring June 13, 2015 as Guy Wimberly Day.

Guy Wimberly accepted the proclamation and expressed his hopes for Elephant Butte to someday become a golf cart-friendly community.

Mike Williams noted that there are still openings for the Wimberly Tournament and invited the public to sign up and play.

APPROVAL OF AGENDA

Mayor Kent asked for a motion to approve the Agenda as submitted.

→ **Councilor Rogers made a motion to approve the Agenda as submitted. Councilor Lafont seconded. The motion carried unanimously.**

MAYOR & COUNCIL REPORTS

Mayor Kent read aloud a thank you note from Sharon (Pierson), Poppy Chairman for the American Legion Ladies Auxiliary. Mayor Kent updated the Council on the status of the Rock Canyon Road and Annex projects.

Councilor Trager announced that there is additional interest in the stocking of the lake at Elephant Butte. Telemundo El Paso has reached out to the City and has been connected with Ron Gilworth about a potential story regarding fishing and outdoor activities at Elephant Butte.

Councilor Rogers explained that the Sierra County Regional Dispatch Authority would be meeting Thursday, June 4 at 1:00pm for purposes of considering recommendations from the stakeholder entities – the City of Elephant Butte, City of Williamsburg, Sierra County, and the City of Truth or Consequences if anyone would like to attend. Councilor Rogers will provide an update at the next Council meeting.

Councilor Lafont had nothing to report at this time.

Mayor Pro-Tem Skinner attended the Workforce Development Monitoring Committee meeting where they looked at all the applications for youth and dislocated adults. They reviewed findings and best practices. For the first three quarters, we've met or exceeded all of our goals for the Southwest Region.

Mayor Pro-Term Skinner also attended the Lee Belle Johnson reception last Tuesday. The new area is professionally done and looks terrific.

Audrey Herrera-Castillo from the New Mexico Tourism Department emailed Mayor Pro-Term Skinner today saying that they are a bit behind on the award process but working diligently to have notifications out soon.

Mayor Kent thanked all volunteers that came out to help put up flags on Saturday, May 23 of Memorial Day Weekend. Roughly 38 volunteers showed up for flag set-up at 6:30am and roughly 35 volunteers showed up at 4:00pm for flag take-down. The flags will be put back up on Flag Day, June 14 at 6:30am; volunteers are welcome and wanted.

MANAGER'S REPORT

City Manager Andrew Finzen gave an update on the City booster pump station. A progress meeting was held on May 26th. The project is nearing completion with an expected completion date of June 11. There is \$510,580 of available funding for this project, which will cost around \$450,000 after taxes. The remaining funding from the Water Trust Board grant will be used to purchase additional equipment needed to maintain the chlorine injector pump, or possibly some additional fire hydrants.

City Manager Finzen gave an update on the Phase 4A Sewer Project. A preconstruction conference has held with representatives from Bohannon Huston, NMFA, and Sierra Valley Contractors in anticipation of beginning the installation of the next phase of our sewer system. Letters will be going out to affected residents to keep them apprised of the progress and what they will need to do to get connected.

City Manager Finzen gave an update on the Rock Canyon Road MAP Project. Grant 14-1704 for \$100,000 plus our new loan closing later this month will fund the Rock Canyon phase 3 project. The grant can only be used for water construction, such as water mains, fire hydrants, and drainage. We are looking into getting approval to use toward design, but it depends on how those services were procured. Remaining funds from our new loan will go toward the Annex project.

City Manager Finzen announced that he has restructured the administration. Jesse Cole, previously the Wastewater Utility Operator, has been promoted to Director of Public Works and will now manage the Water, Wastewater and Maintenance Departments.

City Manager Finzen announced job openings for Deputy Clerk and Utility Clerk positions with the City of Elephant Butte. Interested applicants should visit the city website, cityofelephantbutte.com, for a detailed job description and application requirements.

City Manager Finzen reported on events from the May 27 Governing Board meeting. Sierra Vista Hospital is set to open its Elephant Butte Clinic in the month of September. They are planning on getting a license to expand to 25 beds, and their ER construction project is over 78% completed, with an anticipated completion date of July 22.

SAFETY OFFICER'S REPORT

Safety Officer Jesse Cole gave an update on Experience Modifier Rate (EMR). Safety Officer Cole attended training with Mayor Pro-Term Skinner last month. Our EMR went up this year by .01 because of an incident last year. We received a 5% discount on premiums, were below the EMR average of 1.0 and saved \$1,237 for the year from New Mexico Self-Insurer's Fund.

Safety Officer Cole discussed the Tenant User Liability Insurance Program (TULIP), which is a web-based program that covers any facility the public is using which is owned by the City. When a person wants to rent out a facility such as the Community Center, they will be given a card that directs them to the TULIP website to purchase insurance, which is relatively cheap. This insurance covers renters and the City, and if an injury were sustained during an event, it would not come back on the City.

Safety Officer Cole warned the City that it must be careful in the events that it correlates with. Even something as simple as flying a banner can make the City a sponsor and make them liable if an incident were to occur.

Safety Officer Cole has been looking into a Samba program which gives a monthly report on anyone in a position to use a City vehicle.

Safety Audit will be done by July 1st, 2015. Safety classes will be hosted in the Council Chambers on a monthly basis now.

PLANNER'S REPORT

City Planner Bradford Dyjak gave an update regarding City projects. The second monument sign has nearly all the rockwork completed and the sign face is getting worked on. Alternative options and phasing options are being examined for the City Center/Annex project. Estimator for the project has tentatively agreed to come to the next Council Workshop.

City Planner Dyjak provided design sketches of Butte Boulevard street signs.

The Planning and Zoning Commission met yesterday and made recommendations for the commercial ordinance rewrite which is before the Council today for potential action.

Commission has made a recommendation for Ordinance 154 regarding chicken keeping and is scheduled for public hearing at the next Council meeting.

Commission noted Susanah Sivage is no longer employed with the City and thanked her for work performed.

City Planner Dyjak said the Comprehensive Plan is coming along nicely.

CLERK-TREASURER'S REPORT

Clerk-Treasurer Karen Rieth announced the supplemental budget and documents were submitted to DFA May 28th. The Roving Analyst from DFA will be visiting June 8-9 to advise on potential changes and help with the process of closing out the fiscal year.

Clerk-Treasurer Rieth said the City needs to go to RFP for open-ended engineering services. The contract with Bohannon Huston is expired. In order to utilize grant money, City must go out to bid for these services.

Clerk-Treasurer Rieth sent out liquor licenses and business registrations on June 1st. Renewals for the 2015-2016 Fiscal Year are due by July 1st.

CONSENT ITEMS

Mayor Kent asked for a motion to approve the Consent Items

- Approval of Minutes – Regular Meeting, May 20, 2015
- ➔ **Councilor Rogers made a motion to approve the Consent Item(s) as submitted. 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.**

PUBLIC HEARING

ORDINANCE 152: AMENDING SECTION 155.033 REGARDING THE C-2 COMMERCIAL ZONING DISTRICT REGULATIONS

City Planner Dyjak explained Ordinance 152, an ordinance that would amend the commercial C-2 zoning district regulations. The Ordinance concerns the reduction of setback requirements, increase lot coverage provisions, adds "temporary mobile vending" as a permitted use, and clarifies landscaping and other provisions. This Ordinance intends to refine and streamline this code, and make it more predictable for businesses and for the City.

→ Mayor Kent asked for a motion to approve Ordinance 152.

Mayor Pro-Term Skinner made a motion to approve Ordinance 152 amending Section 155.033 regarding the C-2 Commercial Zoning District Regulations.

Councilor Rogers made an amendment to the motion, noting that Ordinance 152 amends Section 155.005 and repeals and replaces 155.033.

Mayor Pro-Term Skinner accepted Councilor Roger's amendment.

Councilor Lafont seconded the amended motion.

**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.**

REGULAR ITEMS

DISCUSSION AND POSSIBLE ACTION: PERSONNEL POLICY – OVERTIME & PTO

City Manager Finzen presented to Council a revised policy dealing with employee overtime and over-schedule pay. The revised policy defines overtime as hours worked over 40 hours in a workweek and over-schedule hours as being paid at a regular rate. The new policy also notes that Supervisors have the right to adjust employee work schedules to avoid unnecessary overtime.

→ Mayor Kent asked for a motion to approve the new personnel policy.

Councilor Rogers made a motion to approve the new Personnel Policy Defining Overtime & PTO.

Councilor Lafont seconded the motion.

**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.**

EXECUTIVE SESSION

→ At 3:39pm, Mayor Pro-Tem Skinner motioned to go into Executive Session pertaining to Limited Personnel Matters pursuant to NMSA 1978, Section 10-15-1(H)(2) City Manager. Councilor Rogers Seconded.

A roll call vote was conducted by the City Clerk.

Mayor Pro-Tem Skinner voted yes.

Councilor Lafont voted yes.

Councilor Rogers voted yes.

Councilor Trager was yes.

Motion carried.

Council went into Executive Session following a three minute break.

→ At 4:16pm, Councilor Rogers motioned to come out of executive session. Councilor Trager seconded. Motion carried unanimously.

Council came out of Executive Session.

Councilor Lafont certified that no decisions had been made during Executive Session and that only matters on the agenda under Executive Session were discussed. The regular meeting reconvened.

ADJOURNMENT

→ Mayor Pro-Tem Skinner made a motion to adjourn. Councilor Trager seconded. The meeting adjourned at 4:17pm

Minutes adopted at the Regular meeting on June 17, 2015

Karen Rieth

Karen Rieth, City Clerk -Treasurer

