



REGULAR COUNCIL MEETING
Wednesday, June 15, 2016
103 Water St. Elephant Butte, NM 87935
ACTION MINUTES

REGULAR COUNCIL MEETING - 2:00pm

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Kent called the Meeting to order at 2:00pm, and Manager Finzen led the Pledge of Allegiance.

ROLL CALL

Clerk Rieth called the roll.

Mayor Kent, Mayor Councilor LaFont, and Councilor Trager were all present.

Mayor Pro-Tem Skinner attended via telephonic conference.

Councilor Rogers was absent.

Also present was City Manager Finzen and Land Use Administrator Boyle.

2 Members of the press and 11 members of the public were in attendance.

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

PUBLIC INPUT

None.

APPROVAL OF AGENDA

Mayor Kent asked for a motion to approve the Agenda.

Councilor Trager made a motion to move items 11f & 11g ahead of 11a and 11b, and approve the Agenda with this change.

Councilor Lafont seconded.

Motion carried 3-0.

MAYOR & COUNCIL REPORTS

Mayor Pro-Tem Skinner reported an update on New Mexico Tourism for Elephant Butte.

Councilor Lafont reported before Memorial Day weekend his crew went to clean on Hwy 183.

Councilor Trager reported a couple of reminders about the RV and Boat show this weekend at the Marina Friday through Sunday and Town Hall Meeting this Wednesday at 1:00 and 5:30 on the topic of allowing OHVs on City streets.

Mayor Kent Thanked the volunteers who put up flags on Flag Day. Gross Receipt Taxes are up the past couple months promoting tourism and planning events is helping to create the rise.

MANAGER'S REPORT

Manager Finzen report is included for the record.

CLERK-TREASURER'S REPORT

Clerk Rieth's report is included for the record.

CONSENT ITEMS

Mayor Kent asked for a motion to approve the Consent Items:

- Approval of Minutes – Regular Meeting Minutes June 1, 2016

**Councilor Trager 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 Trager voted yes.
Motion carried.**

REGULAR ITEMS

Discussion/Possible Action RFP 15-16-0104 Fire Chief Services

Manager Finzen explained that procurement had been followed to gather qualified based proposals, and then looked to Clerk Rieth to explain the procurement side.

Clerk Rieth reported that RFP was issued on 5/16/2016, and was open until 6/2/2016 at 2pm. Two proposals were received: Dale Lindstedt, Hatch and Toby Boone, Elephant Butte.

A three person committee (Manager Finzen, Chief Tooley, and Councilor Rogers) reviewed proposals, and conducted interviews. Based on superior qualifications and experience, the Committee recommended Toby Boone as Fire Chief.

**Councilor Trager made a motion award RFP 15-16-0104 Fire Chief Services to
Toby Boone
Councilor LaFont seconded.
Motion Carried 3-0.**

Appointment of Fire Chief; Toby Boone

Mayor Kent announced that she would like to appoint Toby Boone as the new Fire Chief, and asked Council for approval.

**Councilor Trager made a motion to appoint Toby Boone as the new Fire Chief.
Councilor LaFont seconded.
Motion Carried 3-0.**

Mayor Kent asked Chief Boone and Judge Dalrymple to approach the dais. Judge Dalrymple administered the Oath of Office for Chief Boone. Oath of Office is included for the record.

Land Use Update

Land Use Administrator Boyle gave an update of the current Land Use issues, included for the record.

Discussion/Possible Action Code Enforcement Officer

Manager Finzen explained that due to the large number of Land Use issues as reported by Administrator Boyle, the City could benefit from a full-time Code Enforcement Officer, and the position was justified. After a brief discussion,

**Councilor Lafont made a motion to approve a Full-Time Code Enforcement Officer.
Councilor Trager seconded.
Motion Carried 3-0.**

Discussion of Open Meetings Act

Clerk Rieth suggested a change to the Open Meetings Act be made to paragraph 1 a (1) and (2), listing City Hall and Council Chambers as the first two posting places when the resolution comes up for the new fiscal year in July. Mayor Kent instructed Clerk Rieth to make the changes before bringing the resolution to Council for approval at the first meeting in July.

Discussion of Rules of Procedure

Clerk Rieth suggested a change to the Rules of Procedure be made to reflect the order of agenda items currently being practiced when the resolution comes up for the new fiscal year in July. Mayor Kent instructed Clerk Rieth to proceed with the draft of the resolution for Council's approval at the first meeting in July.

Discussion/Possible Action RFP 15-16-0103 Architectural Services for New City Hall postponed from previous meeting on June 1.

Manager Finzen announced that an amended proposal was submitted from ASA Architects reflecting the changes Council requested.

**Councilor Trager made a motion to accept the proposal and award RFP 15-16-103 to ASA Architects.
Councilor LaFont seconded.
Motion Carried 3-0.**

EXECUTIVE SESSION

**At 2:55pm, Councilor Lafont made a motion to go into executive session pursuant to NMSA 10-15-1(H)(2) Limited Personnel Matters; Clerk-Treasurer.
Councilor Trager seconded.
Motion carried 3-0.**

Council came out of executive session at 3:20pm. Councilor Lafont certified that only matters on the agenda had been discussed, no decisions had been made and no action had been taken.

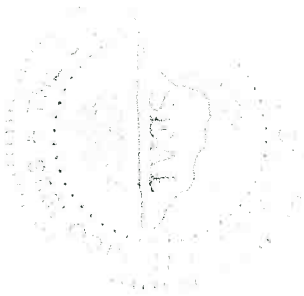
ADJOURNMENT

**Councilor Lafont made a motion to adjourn.
Councilor Trager seconded.
Meeting adjourned at 3:20pm.**

Minutes approved and adopted at the regular meeting of the City Council on July 6, 2016.



Karen Rieth, City Clerk



MEMORANDUM



To: Mayor Kent and City Councilors
From: Andrew Finzen, City Manager
Date: June 15, 2016
Subject: Manager's Report

LEPF: We have received confirmation that the City will be awarded \$20,600.00 in Law Enforcement Protection Funds (LEPF) for Fiscal Year 16-17. This is an increase from the \$20,000.00 awarded in FY 15-16.

Rock Canyon Rd: We will be completing some paving on Rock Canyon Rd early next week. We quoted out paving costs for asphalt and concrete, and the concrete came in approximately \$6,000 cheaper than the asphalt. This will leave the French Drain as the only remaining work to be done. Because all of the remaining work is coming out of the City's portion of the project costs; and because of the timing on this work, we are going to close the project out after the paving is complete and do the French Drain separately. This allows us more time to quote out the work and attain the lowest price, as preliminary quotes were coming in at almost twice the anticipated cost, and part of that was the rush cost of completing the work by the end of the fiscal year. By going this route, we will be able to complete the project in early July at a presumably lower cost instead of rushing and paying more for completion at the end of June.

FEMA Contract: The Contract with King Industries for grant writing services on the Mescal Roadway Project is currently under review with Department of Homeland Security, as is standard protocol when dealing with FEMA-related contracts. I will update Council when we have gotten contract approval.

Independence Day: The City Offices will be closed Monday, July 4th in observance of Independence Day. The military service flags will be displayed at the corners of Warm Springs Blvd and Butte Blvd on that day as well.

Compensation & Administration: Based on discussions at previous budget meetings, I have been researching methods to add structure to our employee compensation policies, either through the creation of a step plan or pay grade plan. I would recommend that we schedule a workshop in the near future so that I can present my findings and discuss solutions for the City moving forward.

Budget: A monthly activity report has been provided for the City Council representing finances for the month of May.

CLERK-TREASURER REPORT TO THE COUNCIL

To: Mayor Kent & City Councilors
From: Karen Rieth, Clerk-Treasurer
Date: June 15, 2016

2016 Municipal Election

Following the conclusion of the 2016 Municipal Election, a formal complaint was filed with the Secretary of State, alleging unethical behavior by the Mayor and the City tampering with election results complaining about the election staff. An ongoing investigation ensued, which caused many staff hours, paperwork and attorney fees. I am happy to report that we have received a final determination from the Secretary of State's Office dated June 2, 2016 finding no violations and the investigation has been closed.

Mescal Project Savings account

At the last meeting, Council requested that I check into the possibility of setting up a savings account so that we could start putting aside money necessary for the Mescal drainage and paving project. During preliminary budget discussions, it was mentioned that we may want to set aside \$25,000 this year. I recommend passage of a resolution adding a budget expense of \$25,000 and instructing the Treasurer to use the money to establish a Mescal Project Savings Account. If Council so directs, I can draft a resolution for the next meeting, so that it can be included in the final budget for FY 16-17 before submission to DFA.

Bank Account balances

General Ledger Close out for the month of May has been completed and reconciled, and a pooled cash report has been provided to you, which shows the claim on cash for each fund as of 5/31/2016.

Town Hall Meeting

Town Hall meetings will be held on June 22, 2016. The first meeting will be at 1pm, and another at 5:30pm, to allow the public a chance to voice opinions on the issue of allowing Off Highway Vehicles to operate on City streets.


City of Elephant Butte

Oath of Office

I, Toby Boone, having been appointed to the position of Fire Chief of the City of Elephant Butte, Sierra County, New Mexico do solemnly swear that I will support the Constitution of the United States, the laws of the State of New Mexico, the Ordinances of the City of Elephant Butte, and faithfully and impartially discharge the duties of said office to the best of my ability, so help me God.

Subscribed and sworn before me

this 15th day of June, 2016



Toby Boone



Jerry Dabrymple, Municipal Judge

Land Use Report

Land-use can be broken down into current land use and long range planning.

Current land use can be described as day to day operations such as:

1. Code Enforcement
 - a. Currently Code Enforcement is operating based on complaints.
 - b. Breakdown of complaints since April 18th.
 - i. Trash 10
 - ii. Dilapidated Mobile Homes 3
 - iii. Illegal Mechanic 1
 - iv. Individuals living in an RV 1
 - v. Weeds 1
 - vi. Other 2
2. 911 Addressing
 - a. Currently there is an ordinance requiring a posted 911 number. (Chapter 150.04 A-D City Address Book?)
3. Plat Review
 - a. Varies
4. Variances
 - a. Varies
5. Business registrations
 - a. Annual
6. Registration of Animal Permits
 - a. Annual
7. Building Permits
 - a. Building permit process needs to be improved.

Current Land Use also has legislative and data gathering needs

8. Updates/Creation of the Zoning Map
9. Drainage Chapter 154
 - a. Needs revision as the city no longer has a staff engineer
10. Sign Ordinance (Resolution is not law)
11. Addressing section needs to be improved.
12. Land Use Inventories
 - a. Land Use Inventories provide a picture of current development patterns.
 - b. Land Use Inventories can be done simultaneously with code enforcement.
 - c. Land Use Inventories create data to base decisions for changes to the zoning map.

Long Range Planning

1. Comprehensive Plan
2. Emergency Management Plan
3. **Development Code Amendments**
4. 40 Year Water Plan
5. Drainage Master Plan Update
6. Other

Code Enforcer Analysis

	FY 15-16	1	FY 16-17 Options	2
	PT Code Enforcer*	PT Code Enforcer	FT Code Enforcer w/Single	FT Code Enforcer w/Family
Wage Rate	\$15.00	\$10.50	\$10.50	\$10.50
FLSA Status	Non-Exempt (Hourly)	Non-Exempt (Hourly)	Non-Exempt (Hourly)	Non-Exempt (Hourly)
Hours/Pay Period	80	38	80	80
Annual Salary	\$31,200.00	\$10,374.00	\$21,840.00	\$21,840.00
Benefits	\$11,343.60	\$17.20	\$10,323.83	\$20,079.26
TOTAL COMP:	\$42,543.60	\$10,374.00	\$32,163.83	\$42,009.76
		DIFFERENCE:**	\$21,789.83	\$31,635.76

*PT Code Enforcer was a full-time employee working 20 hours weekly for Water Dept

**Difference represents deviation from FY 16-17 Preliminary Budget, not from previously budgeted amounts