



**NOTICE OF CITY OF ELEPHANT BUTTE
REGULAR CITY COUNCIL MEETING - OPEN TO THE PUBLIC**

Wednesday, May 01, 2019

Municipal Building, 103 Water St. Elephant Butte, NM 87935

Minutes

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Pro-tem Trager called the meeting to order. Councilor Atwell led the pledge.

2. ROLL CALL

City Clerk-Treasurer Rani Bush called roll.

Mayor Pro-Tem Edna Trager - present

Councilor Gerald LaFont - present

Councilor Kim Skinner – present via phone

Councilor Travis Atwell – present

City Clerk-Treasurer Rani Bush declared there was a quorum present.

**3. STATEMENT OF OPEN MEETINGS RESOLUTION & 3 MINUTE LIMIT PER
SPEAKER ON ALL ISSUES**

4. PUBLIC COMMENT

Charlie Warren Elephant Butte, NM Has been meeting with multiple people throughout Elephant Butte in regards to the OHV park. He brought up that the original plan for the OHV park has changed somewhat from the beginning of the planning. It would now be more of a centralized meeting hub for people who are using this park. Charlie Warren stated that they are wanting to utilize the OHV Park as a dry camping area for families as well. There would be no electricity, water or sewer. The projected camping spaces would be 60' W by 120' and there would be 20 spaces.

Councilor LaFont suggested that this item be placed on the agenda so there isn't a three-minute time limit.

5. BOARD AND COMMITTEE REPORTS & APPOINTMENTS

6. PRESENTATION - None

7. APPROVAL OF AGENDA - Council Declaration of Conflict of Interest

Councilor LaFont made a motion to approve the agenda. Councilor Atwell seconded. 3-1. Motion Carried.

8. MAYOR PRO TEM AND COUNCIL REPORTS

Councilor Skinner – No Report

Councilor LaFont – South Central Transportation District is increasing their fleet of vehicles and looking to expand to Sierra County.

Councilor Atwell – No Report

Mayor Pro-Tem Trager – Presented an original copy of the presentation for the OHV Complex. Mayor Pro-Tem Trager asked the council for their input on this matter and for any and all suggestions. Councilor Atwell mentioned that part of the proposed OHV Complex is in the flood plane and this could cause issues with the camping locations. Councilor Atwell will be providing a map that shows exactly where the flood plane is. Councilor Atwell also mentioned that the City of Elephant Butte would need to eventually pull a permit on this project from his office. Mayor Pro-Tem Trager also updated the Council on where the City stands with renting the Community Center to the Elks Club. At first it did not seem possible to house this organization here due to the Impact Ministries located right next door, but we are looking into this further to see if it is at all possible. Mayor Pro-Tem Trager updated the Council on the City having to update the liquor license with the State of New Mexico due to several changes of people whether it be councilors or the previous mayor.

9. CITY MANAGER REPORT (*Out of State*)

10. CLERK-TREASURER REPORT

City Clerk – Treasurer Rani Bush gave the update on having filed the 3rd quarter budget report. City Clerk Treasurer Rani Bush mentioned that she would be reaching out for assistance from the DFA to help her compile the 2020 fiscal year budget as early as mid-month. Our audit here at the City of Elephant Butte is wrapping up, it should be finished by May 15, 2019.

11. FIRE CHIEF REPORT

Chief Boone reported on moving his Fire Chief office to the Annex building next door to create more room within City Hall. Currently they have received two bids on the renovations that need to take place at the Annex before the move can occur. At this time the City of Elephant Butte is waiting on a third bid before they can release any financial details on this project.

12. CODE ENFORCEMENT REPORT

13. CONSENT ITEMS (Roll Call Vote)

- a. Approval of Meeting Minutes: April 17, 2019

Councilor LaFont made a motion to approve the meeting minutes. Councilor Atwell seconded.

City Clerk-Treasurer Rani Bush called roll.

Mayor Pro-Tem Edna Trager - Yes

Councilor Gerald LaFont - Yes

Councilor Kim Skinner - Yes

Councilor Travis Atwell – Yes

14. REGULAR ITEMS

Deputy Clerk – Court Clerk Jessica Newberry was present to swear in James Pecherski, owner of JMZ & Associates, LLC dba Casa Taco.

- a. Public Hearing, Approve/Disapprove JMZ & Associates, LLC dba Casa Taco is seeking a restaurant beer and wine liquor license with on premises consumption only with patio service.**

James Pecherski owner of JMZ & Associates, LLC dba Casa Taco gave a brief overview of the history of Casa Taco. Casa Taco was originally established in 2001 as Paradise Grill and the location did hold a beer and wine license at this time. After three years Pecherski sold the location and did away with the beer and wine license. In 2011 Pecherski did buy the property back and has since decided to add beer and wine back to this location. Pecherski did clarify the “patio service” statement in the application. Due to the layout of Casa Taco that the entire dining room is outside, 75% enclosed patio and 25% outdoor patio.

Deputy Clerk – Court Clerk Jessica Newberry was present to swear in Doug Srock who is a constituent of the City of Elephant Butte.

Doug Srock Roadrunner Circle, Elephant Butte NM – Doug Srock stated that he was a former patron of Casa Taco. He asked the question of what size and what type of serving was going to happen. Pecherski answered this question with they will be serving bottles and drafts and possibly collaborating with TorC Brewery. Srock also asked where people would be placing their beer orders since it is a very busy business. Pecherski stated that they are looking at placing a drive-thru around the building to help alleviate the crowd inside with standard orders and allow sit down customers to have more time to order their drinks and food. Srock asked if Casa Taco planned on having a security guard on hand. Pecherski answered with the statement that they will have shift managers who will oversee the morning and evening operations and serving of patrons but not a designated security guard. Srock asked if Casa Taco had taken into thought about individuals handing beverages either through the patio fence or over it and if so, what is their solution to this potential problem. Pecherski answered with yes, they had thought about this and are looking into putting up an additional fence of sorts whether it be a natural fence or a mesh screen fence to not allow anything in or out through the current patio fence.

Mayor Pro-Tem Trager closed the public hearing for JMZ & Associates, LLC dba Casa Taco is seeking a restaurant beer and wine liquor license with on premises consumption only with patio service.

Councilor LaFont made a motion to approve JMZ & Associates, LLC dba Casa Taco is seeking a restaurant beer and wine liquor license with on premises consumption only with patio service. Councilor Atwell seconded.

City Clerk-Treasurer Rani Bush called roll.

Mayor Pro-Tem Edna Trager - Yes

Councilor Gerald LaFont - Yes

Councilor Kim Skinner - Yes

Councilor Travis Atwell – Yes

- b. Discussion/ Possible Action: Adoption/Revision of Resolution 18-19-131, Code of Ethics for City Councilors.**

Councilor LaFont made a motion to adopt the Resolution 18-19-131, Code of Ethics for City Councilors with the revisions noted from the last meeting. Councilor Atwell seconded. 4-0. Motion Carried.

- c. Discussion/ Possible Action: Adoption/Revision of Resolution 18-19-132, Sierra County Hazard Mitigation Plan. (Paul Tooley in the audience for questions.)**

Paul Tooley gave more in-depth information on this resolution that would benefit the safety of the City. Tooley let the council know that they are able to make amendments to this resolution adoption if they see things that need to be changed or added.

Councilor Atwell made a motion to adopt the Resolution 18-19-132, Sierra County Hazard Mitigation Plan with two revisions. Councilor LaFont seconded. 4-0. Motion Carried.

d. Discussion/ Possible Action: Renovations to the Annex.

Chief Boone reported on the status of the Annex that it is in working condition. He stated again that the City has received two bids for this project and is waiting for the third to come in.

e. Discussion/ Possible Action: Approval of Revision to Chapter 06, City of Elephant Butte Employee Handbook.

City Clerk – Treasurer Rani Bush made the statement that the accrual time for leave had been updated from the original packet to the hardcopies that were presented to the council.

Councilor Atwell stated he has three sections he wanted to address, first being that in section 6.3.3 item “f” the verbiage of “after 12 weeks” needed to be added due to it being FMLA. Second section he brought up for revision was 6.3.5 on sick leave. Councilor Atwell stated that by only offering your employees three sick leave days annually is not employee friendly and needs to be adjusted. Councilor Atwell did make a statement that employees who leave are not paid sick leave unless they retire out from the City of Elephant Butte. The third section Councilor Atwell brought up for revision is section 6.126 Jury leave which currently states that you are only to be paid for one day of jury duty.

Councilor LaFont brought up the suggestion that the council table this for the time being.

Councilor Atwell made a motion to table Chapter 06, City of Elephant Butte Employee Handbook. Councilor LaFont seconded. 4-0. Motion Carried.

f. Discussion/ Possible Action: Approval of Revision to Chapter 11, City of Elephant Butte Employee Handbook.

Councilor LaFont made a motion to approve Chapter 11, City of Elephant Butte Employee Handbook. Councilor Atwell seconded. 4-0. Motion Carried.

Mayor Pro-tem Trager announced the Council would be entering executive session.

*****EXECUTIVE SESSION BEGAN*****

15. EXECUTIVE SESSION

- a. Limited personnel matter pursuant to NMSA 1978, Section 10-15-1(H)(2); Joe Carey
- b. Limited personnel matter pursuant to NMSA 1978, Section 10-15-1(H)(2); WW4 Operator

*****EXECUTIVE SESSION CAME TO AN END*****

As required by Section 10-15-1(J), NMSA 1978, matters discussed in executive session were limited only to those specified in the motion to close the meeting.

16. ADJOURNMENT

Councilor LaFont made a motion to adjourn. Councilor LaFont seconded. 3-0. Motion Carried.

Minutes approved and adopted at the City Council Meeting on May 15th, 2019.

Rani Bush
City Clerk-Treasurer