



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

**Wednesday, July 10, 2019**

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

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## **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

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**

**Peter Plitteras 404 Lakeshore Dr. Elephant Butte, New Mexico** – Two years ago during public comment Plitteras made a strong statement on the golf course and that golf was a dying sport in the United States. Two years later Plitteras stands before the council in shock after reading the local Sierra County Sentinel newspaper that the Sierra del Rio Golf Course that is owned by the City of Elephant Butte is over \$400,000.00 in debt.

**Marsha Plitteras 404 Lakeshore Dr. Elephant Butte, New Mexico** – Spoke on the statistics of golf courses failing throughout the United States. She wanted it to go on record that if the Golf Course fails, she along with other residents will be suing the City and the residents of the Turtleback Mountain Resort in a class action law suit.

**Jim Brown 8 Marina Rd Elephant Butte, New Mexico** – Spoke at the last City Council meeting in regards to the Sierra del Rio Golf Course. Jim Brown stated that he agrees with the couple that just spoke in regards to the Golf Course; that the City of Elephant Butte was ill advised in the purchase of the Sierra del Rio Golf Course. Jim Brown offered again to start an advisory board of business minded individuals to help direct and advise the Sierra del Rio Golf Course.

**5. BOARD AND COMMITTEE REPORTS & APPOINTMENTS- None**

**6. PRESENTATION – None**

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

Councilor Skinner made a motion to approve the agenda. Councilor LaFont seconded. 4-0. Motion carried.

**8. MAYOR PRO TEM AND COUNCIL REPORTS**

**Councilor Skinner** – Attended the Sierra County Tourism Board meeting where they covered the current lake levels, Virgin Galactic and the Spaceport along with Mainstreet TorC. The election took place and Councilor Skinner was reelected as Chairperson for this board. Councilor Skinner reported that she received numerous emails on July 4,5, and 6 in regards to the aerial fireworks being shot off within the city limits of Elephant Butte.

**Councilor LaFont**- Attended the Couth Central Transportation Board, they are working on getting transportation from Las Cruces to Truth or Consequences in the near future. The Transportation Board is having a hard time getting TorC on board with this project, but Councilor LaFont did mention that Hatch and Elephant Butte are very much in favor of this project and that is one of the reasons he continues to attend these meetings and show his support. Councilor LaFont mentioned that having a steady reliable ride service would help a lot of people out with jobs as well.

**Councilor Atwell** – Attended the South-Central Council of Governments meeting that was held in Magdalena. Councilor Atwell reported that there was a presentation the economic development.

**Mayor Pro-Tem Trager**- Despite all the complaints about the fireworks, Mayor Pro-tem Trager wanted to publicly thank all who were involved in this year's extravaganza. The estimated number from the state park for the Holiday Weekend was projected at 88,000 people. Mayor Pro-tem Trager made the public announcement that City Manager David DuVall resigned on Monday July 1<sup>st</sup>, 2019; DuVall's resignation had been posted in the Sierra County Sentinel newspaper on Friday July 5<sup>th</sup>, 2019. Mayor Pro-tem Trager stated that the City of Elephant Butte had a large waste dumpster in place during the Holiday Weekend for locals and visitors to utilize for their extra trash this weekend. There was a statement about the recycling center. Mayor Pro-tem Trager has reviewed the figures that were originally brought to the Council Board and has found that that figure was almost double what the real cost of having the recycling center truly is. The Warm springs design is complete and the work will begin in March 2020. Bohannan and Houston has recommended that we update our master plan. Mayor Pro-tem Trager urged constituents that are wishing to file a complaint to please do so on an official City of Elephant Butte complaint form. This form is now available on the City of Elephant Butte's website. The City of Elephant Butte's employee handbook has been sent to POMS for further direction and corrections to it.

**9. CLERK-TREASURER REPORT**

**Clerk Treasurer Rani Bush** reported on the audit that is wrapped up, but the fiscal year 2019 audit will be beginning in September. Clerk Treasurer Bush reported that she is currently working on cleaning up all of the City of Elephant Butte's ordinances and getting the ones sent to American Legal that are still needing to be codified to be placed in our code books as well as being online in the codified form.



## 10. FIRE CHIEF REPORT

**Chief Boone** reported on the fireworks show and thanked the multiple different organizations, businesses and individuals for all their support and help to make this year's event happen. There were 10 calls on beach, 3 of those were fires, none of these were firework related.

## 11. CODE ENFORCEMENT REPORT

**Chief Boone** presented the Council with a report from iworqs which is the system to which all code enforcement calls are logged.

## 12. CONSENT ITEMS (Roll Call Vote)

- a. Approval of Meeting Minutes, June 19, 2019

Councilor Skinner made a motion to approve the meeting minutes from June 19, 2019.  
Councilor LaFont seconded. 4-0.

City Clerk-Treasurer Bush called roll.

Mayor Pro-Tem Edna Trager - Yes

Councilor Gerald LaFont - Yes

Councilor Kim Skinner - Yes

Councilor Travis Atwell – Yes

## 13. REGULAR ITEMS

- a. **Public Hearing** - Approve/Disapprove: Fiscal Year 2019-2020 Budget

**City Clerk Treasurer Rani Bush** gave an overview of the upcoming fiscal year 2019-2020 budget along with giving the Councilors a handout to go along with her presentation. The first page is a summary showing the funds that the City is going into this coming fiscal year 2019-2020 with. Going into this year still cleaning up the budget and financials from previous years, City Clerk-Treasurer Bush did state that this presented budget is not as clean as she had hoped for and sees corrections/adjustments throughout this coming fiscal year. The top fund for the City of Elephant Butte is the General Fund, along with this fund the City operates on multiple smaller funds that are more specific to different departments and the needs of those departments; i.e. waste water, water, fire protection, and the golf course enterprise fund to name a few. There was a note made that there is a special fund set up specifically for utility deposits to act as a holding account until these deposits are returned to the constituents. City Clerk-Treasurer Bush stated the only change that had been made since the Council had reviewed the interim budget would be the cash that has transferred from one fiscal year to another. The City of Elephant Butte is currently receiving help from an agency called Protean, they are here to help with the bank reconciling, cleaning up adjustments, and getting the City on track for a clean fiscal year. The second hand out that was provided was a summary page breaking out the different funds that make up the budget, this handout consisted of six pages outlining the details of each fund. City Clerk-Treasurer Rani Bush opened the public hearing at this time.

**Jim Brown** – Brown brought up a transfer that was made to Sierra del Rio Golf Course in the amount of \$325,000.00 and asked where these funds came from to supply this transfer and what it was being utilized for.

**City Clerk-Treasurer Rani Bush** – Stated that the transfer of funds in the amount of \$325,000.00 came from the City of Elephant Butte's reserve account. The City utilized the reserve account to cover the budget and cost for the remainder of the fiscal year.

**Councilor Skinner-** Directed a question to City Clerk-Treasurer Rani Bush regarding the statement she had made about bringing in an outside agency to help with the budget. City Clerk-Treasurer Bush stated that the agency coming in to help the City is by the name of Protean. Councilor Skinner wanted to state that even though it has been stated that the golf course is making money every month there have been a continued amount of loss with Sierra del Rio that the Councilors have all seen and been aware of.

**City Clerk-Treasurer Rani Bush-**Stated that yes, Sierra del Rio has been losing money, that is correct for the Golf Course portion of Sierra del Rio due to the ongoing maintenance and upkeep for the course. On the bar and restaurant side it is currently breaking even.

**Councilor Skinner** wanted to clarify for the constituents that the Sierra del Rio Golf Course has been losing money over the past several months. Yes, the income has increased but so have the expenses. Councilor Skinner addressed Jim Brown's questions earlier during the public hearing about the transfer of the \$325,000.00, and did state that yes, the City will be using another \$325,000.00 this coming year. Councilor Skinner stated that because of the financial reasons is part of the reason that the Council has been looking into RFPs for the Sierra del Rio Golf Course because it is not operating effectively or at top notch. Sierra del Rio is making income but also has expenses which is where the loss is coming in.

**Mayor Pro-tem Trager-**Stated that the Sierra del Rio Golf Course is operating at top notch, but we are not covering the expenses. Rounds of golf are down across the country. The golf course itself needs to be promoted to bring in revenue for Sierra del Rio. Mayor Pro-tem Trager agreed with what had been stated earlier by the Council and City Clerk-Treasurer Bush, saying that it is true. The income coming in has increased from what was coming in throughout the winter.

**Constituent (Did not approach the podium or state name)-**What is the difference in the expenses in the Golf Course to the bar and restaurant, is there a break down on this?

**Mayor Pro-tem Trager** addressed the constituent's question, stating that yes there is a difference in expense as well as a breakdown being available by the City Clerk-Treasurer Bush. The golf course side of the Sierra del Rio has the highest amount of expense in the monthly upkeep of the property. Mayor Pro-tem Trager mentioned that the water for the Golf Course has been donated so the City is not having to pay for that expense. The restaurant and bar side has continued to do better and better each month, they are receiving good reviews on food and beverages. Sierra del Rio has started hosting live music on Saturday nights to draw in larger crowds and offer the community more things to do. Mayor Pro-tem Trager stressed the fact that what really helps any business in a small town such as ours is the out of town visitors. It was stated the level of promotion of the golf course was not where it could have been.

**City Clerk-Treasurer Rani Bush-**Stated that currently the Sierra del Rio does not have a golf pro as the last one resigned in March of 2019. The golf side of Sierra del Rio is where the main losses have been recently.

**Ken Little Golf Pro El Paso-**Is currently looking into purchasing property here in Elephant Butte. He agreed that the golfing rate is down across the country right now, and Sierra del Rio is not the only course that is struggling. He gave an example of Sonoma Ranch in Las Cruces on the food and beverage side, very good golf course but the rounds are down, and the bar and restaurant are what is keeping it afloat and the bills paid. Little suggested that some capital expenses be made for the golf course to help raise the visitor totals from 6,000-8,000 to 20,000-22,000.



**Councilor LaFont**-Stated that the 5<sup>th</sup> year that Sierra del Rio was open it was ranked number 3 in the United States and that is something we should all be very proud of. He stated he would like to see more people from the County and Truth or Consequences support Sierra del Rio.

**Constituent (did not state his name at the podium)**- Stated that he has seen a lot of things come and go over the past eight years of living here. One thing he has seen being promoted by the ex-City Manager is that it is not a pet friendly facility which has caused a lot of people to stop going. He suggested that Sierra del Rio become a more pet friendly to bring in more income. He brought up the fact that the fees for golf are not clear and many people are unclear on how much it is to play golf at Sierra del Rio. It was suggested that with the golf advisory board in the works it should be made priority to develop a rate structure that is clear for all who inquire on the green fees.

**Mayor Pro-tem Trager** stated that the pet friendly portion of the golf course is a low priority at this time, but his statement has been noted.

**Mayor Pro-tem Trager** announced that the public hearing is closed.

**Councilor Skinner** added that even though the City has an RFP out for Sierra del Rio they are not looking to shut the Golf Course down, that is the furthest thing from their mind at this time. Councilor Skinner stated that City Clerk-Treasurer Rani Bush has been working with Michael Steininger from the DFA regarding the budget. Councilor Skinner wanted the council as well as the public to be aware that it was not just the City Clerk-Treasurer Bush working on the numbers for the upcoming year budget, but the work of both Bush and Steininger working together. Councilor Skinner stated that Michael Steininger had recommended that the City of Elephant Butte needed to do something differently due to the loss we have shown with Sierra del Rio. Councilor Skinner closed with thanking everyone for their comments and sharing with the Council their thoughts on this matter.

**City Clerk-Treasurer Rani Bush** did clarify once again that the \$325,000.00 is not coming out of the general fund but from a reserve account. She wanted the Council as well as the public to know that the City is not cutting any other projects short by transferring this money to Sierra del Rio.

**Councilor LaFont** made a motion to approve Fiscal Year 2019-2020 Budget. Councilor Skinner seconded. 4-0. Motion Carried.

- b. Discussion/ Possible Action: Resolution 19-20-100 Fiscal Year 2019-2020 Budget

Councilor Skinner made a motion to approve Resolution 19-20-100 Fiscal Year 2019-2020 Budget. Councilor LaFont seconded. 4-0. Motion Carried.

- c. Discussion: Ordinance, Resolution and Adoption Protocol.

Mayor Pro-tem Trager led a discussion on this topic on which she had gotten advice from the City's attorney, Charles Rennick. Mayor Pro-tem stated that the City of Elephant Butte will be slowing down and taking its time from now on with the processing and presentation of resolutions rather than rushing them through. One new change will be that whomever is presenting the resolution or ordinance must be present during the meeting it is being presented at or it will be tabled until a later date.

Charles Rennick- City of Elephant Butte Attorney – Stated that as per City Clerk-Treasurer Rani Bush there is 17 ordinances that have not been codified to date. There have been 5 of these

ordinances that have been sent to American Legal for codification, yet these ordinances were returned to City of Elephant Butte for errors.

Mayor Pro-tem Trager mentioned that the City of Elephant Butte is currently looking for someone to fill the Land Use opening and the City Planning opening which would help with the Ordinances and Resolutions being done in a uniform fashion.

No Action Taken

- d. Discussion: Councilors Agenda Packet items and additional paperwork that councilors may request.

Mayor Pro-tem Trager led the discussion on this discussion item 13d. She mentioned that if a Councilor wants to add anything to an agenda, she requested that it be given to the City Hall in a timely fashion for the agenda to be updated.

Councilor Skinner mentioned that what ever items are on the agenda the Councilors should have copies of these items before the meeting for their review.

No Action Taken

- e. Discussion/ Possible Action: International Fire Code

Chief Boone went over this item with the Councilors due to there being some recent confusion on this Ordinance revision.

No Action Taken

- f. Discussion/ Possible Action: Private golf carts - eliminating the required age of the carts and emphasizing that they must meet standards of carts in Ordinance 158.

No discussion on audio.

- g. Discussion/Possible Action: Review of City Manager's Job Description and Update of Sierra del Rio Staff Structure

Mayor Pro-tem Trager updated the council that she is working diligently getting this job description revised and more up to date and ready to have it posted. Mayor Pro-tem Trager has spoke to Kathy Elverum at New Mexico Workforce Connection and she will be helping with the posting of this job posting.

- h. Discussion: Update on RFP for Sierra del Rio

Charles Rennick, City of Elephant Butte Attorney spoke on this matter in regards to he had received the original RFP draft from David DuVall while he was still the acting City Manager. He had not had a chance to contact David DuVall on this draft.

The Councilors had a discussion on this item that had been presented to them by David DuVall.

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

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

**14. EXECUTIVE SESSION**

- a. Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2): Resignation of the City Manager, David DuVall and Partial Transfer of Position for Marcus Ortega.
- b. The purchase, acquisition or disposal of real property or water rights by the public body pursuant to NMSA 1978, section 10-15-1 (H) (8): Sierra Del Rio Golf Course.

\*\*\*\*\*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.

**15. ADJOURNMENT**

Councilor Lafont made a motion to adjourn. Councilor Skinner seconded. 4-0. Motion carried.

*Minutes approved and adopted at the City Council Meeting on August 7th, 2019.*



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Rani Bush  
City Clerk-Treasurer