



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

Wednesday, September 4, 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 Skinner 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 quorum present.

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

4. PUBLIC COMMENT

Mike Williams 102 Canadian Circle Elephant Butte, NM – Stated that there is a County Wide Election scheduled for this November and no where on the ballot was there mention of the Mayor's seat for Elephant Butte. This would have been an opportunity for the constituents to voice their opinions on the Mayor and have a voice. Williams stated he was disappointed in Mayor Pro-tem Trager for not having the Mayor's Seat place on this year's ballot at little to no cost to the City. Williams stated that he does not feel it is right for the Mayor Pro-tem Trager to stay in the Mayor's Seat when she was not elected by the citizens, but appointed by the Council. Due to the election terms being lengthened earlier this year and pushing the next election date out to 2021, the citizens do not have a voice in regard to the Mayor Seat.

Kathy Norton 604 Travis Elephant Butte, NM – Many years ago women were given the right to vote. Norton stated that she had come before the Council months ago and stated that the constituents of Elephant Butte should have had the right to vote for Mayor. Norton stated that she came today as a woman who has the right to vote feels as though that right is being taken away from her.

Alex Rodriguez Lieutenant with New Mexico State Police – Lt. Rodriguez wanted to inform the Council as well as the public that NM State Police are going to start having a higher presence in our area. They will be making routine stops at the schools, he assured everyone to not be alarmed this is just to have their presence more well known as they start making those relationships with the faculty as well as the students. During their time on the school campuses they will also be learning these campuses and the layouts. Lt. Rodriguez stated that they are working on getting the community involved and want to interact more with the community. He stated that if citizens see something going on that they aren't sure about and see either him or another NM State Police Officer to go up to them and have a conversation about it so they can look into it. Lt. Rodriguez stated that he will have Officers on duty during the Elephant Butte Balloon Regatta to routinely check in on the event area and on Elephant Butte as a whole. Lt. Rodriguez let the Council know that he is short handed right now but they are doing the very best that they can to have everything covered. Lt. Rodriguez requested Mayor Pro-tem Trager email him the upcoming events and their locations.

5. BOARD AND COMMITTEE REPORTS & APPOINTMENTS - None

6. PRESENTATION

- a. Community Feedback on the City's Infrastructure Capital Improvement Plan (ICIP) – Jay Armijo

Jay Armijo Executive Director for South Central Council of Governments – The City of Elephant Butte is a member of this organization. Jay Armijo stated that SCCOG had held two public hearing meetings the previous day, September 9, 2019. During these meetings the public were welcomed to attend and give their feedback to the City's Infrastructure Capital Improvement Plan (ICIP). Jay Armijo brought up one of the main concerns that was brought to his attention during the public hearing which was the sewer system, more specifically the sewer infrastructure on Skyline. Street improvements were also on the list of concerns, drainage issues, and replacing the ambulances. There were 4 attendees at the first public hearing and 0 attendees at the second public hearing. Councilor Skinner stated that it was nice to see that everyone is on the same page as far as the issues as well as the priorities. Mayor Pro-tem Trager stated that the City of Elephant Butte had received an extension on completing the ICIP, which is 5:00pm September 20, 2019.

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

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

8. MAYOR PRO TEM AND COUNCIL REPORTS

Councilor Atwell reported that the Council had conducted interviews for the open position of City Manager.

Councilor LaFont – No Report

Councilor Skinner reported that last Wednesday she was able to attend the southwest regional board meeting in Las Cruces. One of the projects that was discussed during this meeting was the destination mapping project. Councilor Skinner stated that she also attended the New Mexico Municipal League Meeting on both Wednesday and Thursday. The keynote speaker for Wednesday was the Vice President of Cox Com. On Thursday during the meeting a movie was shown called "All the Queen's Horses". After the viewing of the movie there was a presentation on fraud in small cities. Councilor Skinner stated that she shared the information on fraud prevention with City Clerk-Treasurer Rani Bush. Councilor Skinner reported that the new Sierra Vista Hospital opened on Tuesday September 3, 2019 and all has gone well with no issues being reported at this time.

Mayor Pro-tem Trager reported that the new auditors for the City of Elephant Butte, Beasley Mitchell. The main contact at Beasley Mitchell is in the fraud control department and has been assisting the City in informing them of the risks of fraud. Mayor Pro-tem Trager reported that her and Councilor Skinner divided and conquered in sorts at the New Mexico Municipal League Meeting. They were able to split between multiple meetings to take in as much information as possible between them. Mayor Pro-tem Trager reported that there will be changes coming to the New Mexico Gross Receipts Tax in regard to reporting taxes derived from short-term rentals. After returning from this meeting Mayor Pro-tem Trager spoke with Michael Steininger about the changes that are going to take effect. The Governor is currently working on a strategy on how to properly identify the GRT that is collected on short-term rentals and making certain that it not only is paid to New Mexico but makes its way to the Municipality where the short-term rental is located. Another item that was discussed was New Mexico approving Recreational Marijuana with the Governor stating if the bill comes to her, she will sign in favor of it. A lot of research is going in to the decision of approving Recreational Marijuana. Mayor Pro-tem Trager stated there is a group of 25 individuals working diligently to spread the word of approving Recreational Marijuana and the benefits it will bring to the state. One major thing people are looking at

is the over taxing like Oregon and Washington have done which in return has caused the black market to grow. Mayor Pro-tem Trager stated there are currently 11 states that allow Recreational Marijuana and 50% of our states offer Medical Marijuana. If this is approved by the state each community then has the option to either "Opt In" or "Opt Out". If a community opts out of allowing Recreational Marijuana then that community would not be eligible for any of the tax benefits from the sales. New Mexico is wanting to keep this whole market an equal opportunity market from growing to selling to delivering. Unlike other states that have had large companies come in and buy all rights to grow, sell, and deliver their products. Mayor Pro-tem Trager reported that Sierra del Rio is now serving breakfast daily off of a full menu. Elephant Day is scheduled for Saturday September 14, 2019 with the night time light parade set for Friday September 13, 2019. On Saturday September 14, 2019 there will be participation from the Elephant Butte Balloon Regatta to offer a balloon glow as well as night time tethered balloon rides. There are currently 22 vendors slotted for Elephant Day that will take place at Sierra del Rio this year and will only consist of the one day. Mayor Pro-tem Trager mentioned that there will be a "Never Forget" 9/11 memorial at Sierra del Rio at 8:30am September 11, 2019 that will be led by Chief Boone. Mayor Pro-tem Trager spoke on the upcoming Animal Registration Clinic that is going to be at the Elephant Butte Community Center on Saturday September 28, 2019 from 10am-2pm. During this event constituents can come and register their animals with the City of Elephant Butte for free, after the event there will be a 60-day grace period where they can come into City Hall and register as well. At the Clinic there will be a veterinarian on site to offer vaccinations as well as micro-chipping along with the TorC Animal Shelter who will have animals available for adoption.

9. CLERK-TREASURER REPORT

City Clerk-Treasurer Rani Bush gave an update on the two open positions that the City has received resumes for; City Manager and Land Use Administrator. There are also currently two RFPs open; one for the management of Sierra del Rio and one for Legal Council for City of Elephant Butte. Sierra del Rio's RFP will close at 10am on September 9, 2019 and the Legal Council for the City of Elephant Butte will close at 4pm on September 20, 2019. Michael Steininger from the DFA has been present at the City of Elephant Butte for the past three weeks assisting City Clerk-Treasurer Bush with the managing of the accounting and getting the City back on track to where it should be. The past several years there has been a considerable amount of turnover that has caused problems in the budgeting and accounting part of the City. With Michael Steininger's help, City Clerk-Treasurer Bush is getting everything straightened out. City Clerk-Treasurer Bush thanked Councilor Skinner for her input and help on the budget and accounting. A budget report was presented to the Council for their review. City Clerk-Treasurer Bush stated that she will start handing out a budget report as well as the check report at the first meeting of each month for the Council to review the prior month's activity. The question arose as to how long the City of Elephant Butte has to correct the findings from the last audit. City Clerk-Treasurer Bush stated she did not have that information but would look into it.

10. FIRE CHIEF REPORT

Chief Boone presented the Council with handouts of his report for the month of August. Labor Day weekend was this past weekend and it was busy. Since August 16, 2019 there have been 6 fires within the Elephant Butte Fire Department's district. EBFD assisted Elephant Butte Lake State Parks on several calls ranging from water rescue to transporting a patient to Sierra Vista Hospital. The call volume along with 4 fires over Labor Day weekend made for a very busy weekend. Chief Boone stated he is looking into two purchases for the EBFD one being a trailer to store all of their swift water rescue gear and the other being an OHV. Both of these purchases have been approved through the State Fire Marshal.

11. CODE ENFORCEMENT REPORT

Chief Boone presented a full report of the zoning permits issued and code enforcement report for the month of August.

12. CONSENT ITEMS (Roll Call Vote) – None

13. REGULAR ITEMS

- a. Discussion/Possible Action: City of Elephant Butte 2020-2024 ICIP Submission

City Clerk-Treasurer Rani Bush presented the Council with last year's ICIP Report. Jay Armijo with South Central Council of Governments presented the information that was gone over during the public hearing for the ICIP. Councilor Skinner suggested that the City remove Sierra Vista Hospital as a priority on this year's ICIP and give those priority funds to other projects. Mayor Pro-tem Trager stated that the City Road Projects should be moved higher on the list. The Council as a whole discussed the priority levels for this year's ICIP. Jay Armijo suggested that he work with the City Staff on prioritizing the ICIP Report and re-present this item at the special meeting on September 10, 2019.

Council decided to revisit this item at the September 10, 2019 Special Meeting.

- b. Discussion/Possible Action: "Chamber Ambassador Program" for Spaceport America

Mayor Pro-tem Trager started the discussion on this item. The spaceport is currently looking for a liaison. Sierra County is looking at using Rebecca Dow for this proposed liaison. Spaceport is also seeking financial sponsorship for this program. Truth or Consequences as well as Sierra County have already secured their financial sponsorship to this program both going over level 1 of \$1000 and over level 2 of \$2000. Mayor Pro-tem Trager stated she doesn't feel that the City is able to contribute in the amounts that TorC and Sierra County have. Councilor Skinner agreed and then asked what level 1 and level 2 meant. There was no description further to what these levels meant. Councilor Skinner and Mayor Pro-tem Trager stated that they will approve this funding if the funds go to the Ambassador Program and not to the Chamber of Commerce as it is stated in the request letter.

Councilor Skinner made a motion to approve the requested funding for Chamber Ambassador Program for Spaceport America. Councilor LaFont seconded. 4-0. Motion Carried.

Councilor LaFont made a motion to enter into executive session in regard to Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2); City Manager and Land Use Administrator Applicants. Councilor Skinner seconded. 4-0. Motion Carried.

14. EXECUTIVE SESSION

- a. Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2); City Manager and Land Use Administrator Applicants

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 Skinner made a motion to adjourn. 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

Minutes approved and adopted at the City Council Meeting on October 2, 2019.



Rani Bush
City Clerk-Treasurer