



**NOTICE OF CITY OF ELEPHANT BUTTE
CITY COUNCIL MEETING - OPEN TO THE PUBLIC**
Tuesday, September 10, 2019
Municipal Building, 103 Water St. Elephant Butte, NM 87935

Special Meeting

Minutes

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Pro-tem Trager called the meeting to order. Councilor LaFont led the Pledge.

2. ROLL CALL

Mayor Pro-Tem Edna Trager - Present

Councilor Gerald LaFont – Present

Councilor Kim Skinner – Present

Councilor Travis Atwell – Present (Via Phone Call)

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

4. PUBLIC COMMENT

Mike Williams of 102 Canadian Circle, Elephant Butte inquired if the use of ATV's were allowed on Warm Springs Road since it was found out the City owed it. The Mayor Pro Tem will look into the matter.

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

Councilor Atwell recused himself on Regular Item d and the Executive Session because of a conflict of interest.

6. CONSENT ITEMS (Roll Call Vote)

a. Approval of Meeting Minutes, July 21, 2019

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

7. REGULAR ITEMS

**a. Discussion/Possible Action: Resolution 19-20-102 - City of Elephant Butte 2021-2025 ICIP
Submission**

A discussion of the priority levels of each item on the ICIP Project List for 2021-2025. The Council proceeded to rank these items as follows:

1. Wastewater Collection Lines

2. City Street Improvements

2a. Michigan Street

- 2b. San Andreas
- 2c. Warm Springs
- 2d. Country Club
- 2e. Hawthorne Blvd.
- 2f. Ocotillo Drive
- 2g. Sierra del Rio Parking Lot
- 2h. Wren & Sparrow Court
- 2i. Organ Street
- 2j. COEB Office Parking Lot Rehabilitation
- 3. Water System Capital Improvements
- 4. Storm & Surface Water Control
- 5. City Facilities Improvements
- 6. OHV Park
- 7. Park Improvements
- 8. SJOA-Multi-Generational Campus
- 9. SVH Ambulance
- 10. State Park Sewer System Connectivity
- 11. Sunset Ridge Road
- 12. Spaceport Bypass
- 13. Sierra County Drainage Road

City Attorney Charles Rennick gave his input on the ranking of the Project Items for the ICIP, answering questions from both Mayor Pro-tem Trager as well as Councilor Skinner. Questions that were brought up were in regard to adding additional items to the Project List and whether each street should have its own Project Ranking number or could it be a sub category of the main, City Street Improvements. Charles Rennick answered both of these questions, the first being, yes, the City of Elephant Butte can add additional projects to the list. The second being, each road will be a sub category of the City Street Improvements Project.

Councilor Skinner made the motion to approve Resolution 19-20-102 - City of Elephant Butte 2021-2025 ICIP Submission. Councilor LaFont seconded. 4-0. Motion Carried.

b. Discussion/Possible Action: Balance of Loan Agreement No. 3317-PP dated June 26, 2015 towards Camino Cinco

Mayor Pro-tem Trager started a discussion on the possible use of the remaining funds from Loan Agreement No. 3317-PP to fund the Camino Cinco project. Funds were initially spent for Rock Canyon Road which left a balance of a little over \$250,000. She is currently trying to get access to use these funds although the time allotted for them has expired. It was recommended by the City's engineering firm, Bohannon & Huston, as well as SCCOG to utilize these funds to complete the Camino Cinco Project that has already been scheduled. These funds would allow the City to finish the curb, gutter, and drainage in addition to paving the road.

Councilor Skinner made a motion to approve the Balance of Loan Agreement No. 3317-PP dated June 26, 2015 towards Camino Cinco. Councilor LaFont Seconded. 4-0. Motion Carried.

c. Discussion/Possible Action: RFP # 19-20-001 For Sierra Del Rio Golf Course, Restaurant, & Bar Concessionaire Services

Mayor Pro-tem Trager stated that there had been one RFP submitted to the City of Elephant Butte for the Sierra del Golf Course, Restaurant, & Bar Concessionaire Services. The RFP was submitted by Todd Barringer & Richard Holcomb of Spirit Golf Management, LLC SGM. All Councilors were presented with a copy of the RFP along with the original RFP from the City.

Councilor Skinner stated that the numbers that have been being used for the income of the Sierra del Rio Golf Course are not reflecting the amount that is being paid out. She stated that yes, the money coming in as revenue looks great if you do not take into consideration the amount that we are paying out monthly on bills, payroll, food & alcohol, and maintenance of the course. Councilor Skinner stated that she feels like the City should accept this RFP request, but only after it is presented to the City Attorney along with Michael Steininger of the DFA. Councilor Skinner stated that she does not feel like the City is ready to make any decisions on this matter today, that they will all need to read through the RFP.

Mayor Pro-tem Trager stated that there will be no action taken on the RFP today other than to give it further consideration and to have it reviewed by the City Attorney and possibly a golf consultant. Councilor Skinner mentioned again that she wants to see the RFP to be reviewed financially as well.

d. Discussion/Possible Action: Approval of contract with Holt Mynatt Martinez P.C. for limited legal representation of the City against potential claims by Councilor Travis Atwell.

Benjamin Young from Holt Mynatt Martinez PC – Young stated to the Council that it had been suggested by the City Attorney that an outside Attorney address these claims that are being made by a Council member.

Councilor Skinner made the motion to approve the contract with Holt Mynatt Martinez P.C. for limited legal representation of the City against potential claims by Councilor Travis Atwell. Councilor LaFont seconded. 3-0. Motion Carried.

8. EXECUTIVE SESSION

Councilor Skinner made a motion to enter into executive session for Threatened or Pending Litigation pursuant to NMSA (1978), Section 10-15-1(H)(7) – discussion of correspondence from Attorney Anne Gibson on behalf of Councilor Travis Atwell threatening legal action against the City of Elephant Butte. Councilor LaFont 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 – Recused himself from this session.

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

- a. Threatened or Pending Litigation pursuant to NMSA (1978), Section 10-15-1(H)(7) – discussion of correspondence from Attorney Anne Gibson on behalf of Councilor Travis Atwell threatening legal action against the City of Elephant Butte.

b.

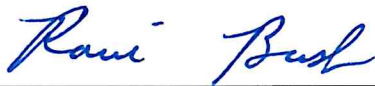
*****EXECUTIVE SESSION CAME TO AN END*****

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.

9. ADJOURNMENT

Councilor Skinner made a motion to adjourn. Councilor LaFont seconded. 4-0. Motion Carried.

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



Rani Bush
City Clerk-Treasurer