



**CITY OF ELEPHANT BUTTE PLANNING & ZONING COMMISSION
REGULAR MEETING - OPEN TO THE PUBLIC**

Tuesday, October 1, 2019 - 9:00 am

Minutes

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman LaFont called the meeting to order. Vice Chairperson Vickers led the pledge.

2. ROLL CALL

City Clerk-Treasurer Rani Bush called roll.

- ☐ Chairman Nathan LaFont - Present
- ☐ Vice Chairperson Cathy Vickers – Present
- ☐ Commissioner Sheridan Fuss - Present
- ☐ Commissioner Charles Looney - Present
- ☐ Commissioner Patsy Barnett - Absent
- ☐ Alternate Commissioner Rick Harrison – Absent

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

3. DECLARATION OF CONFLICT OF INTEREST & STATEMENT OF OPEN MEETINGS ACT

**The Open Meetings Act is in effect and there is a three-minute limit per speaker on all non-agenda items.*

4. APPROVAL OF AGEND

Commissioner Looney made a motion to approve the agenda as presented. Vice Chairperson Vickers seconded. 4-0. Motion Carried.

5. APPROVAL OF MINUTES

- Approval of Meeting Minutes September 3 and September 17, 2019

Commissioner Fuss made a motion to approve the meeting minutes for September 3, 2019 and September 17, 2019 as presented. Vice Chairperson Vickers seconded. 4-0. Motion Carried.

6. PUBLIC INPUT

7. COMMISSIONERS' COMMENTS

Commissioner Looney asked how the breakfast at The Club was doing, he had heard from constituents that it was not doing well. Mayor Pro-tem Trager stated that the breakfast is going over well, The Club still has its slow days but the breakfast itself is doing well.

Vice Chairperson Vickers – No Report

Commissioner Fuss addressed the City Staff that he would like to see the pot hole patrol come down Country Club.

Chairman LaFont gave updates on Ordinance 173 & 174, both of these are going before Legal Review before they will be back on the agenda for discussion/possible action. Chief Boone asked what Ordinance 173 & 174 were on. Chairman LaFont stated Ordinance 173 is on Nuisance and Ordinance 174 is on Storage Containers.

8. CITY REPORT

Mayor Pro-tem Trager stated that the proposed Land Use Administrator did in fact turn down the position after verbally accepting the position. The reason behind denying the position was due to having complications with her current vehicle and having to commute from Los Lunas to Elephant Butte everyday was not going to work for her at this time. Commissioner Fuss asked if it would have been possible to offer her the use of the City's Ford Taurus for her commute to and from work daily. Chief Boone stated that no, that would not be possible due to the only City employees approved to take company vehicles home are public safety employees. Mayor Pro-tem Trager added that the City could not have offered that due to it being for personal use of an employee. Mayor Pro-tem Trager stated that the Council had brought up possibly using a moving allowance to assist her with the commute and car repairs that she is in need of, but decided against it. Mayor Pro-tem Trager stated that the job has been re-opened and re-listed. Mayor Pro-tem Trager stated that she had received a letter from the Attorney General in regard to a complaint filed by Morgan Spencer for violations of the opening meetings act from the P&Z Meeting held on December 13, 2018. The Attorney General stated that due to the records and information provided there are no apparent violations that occurred during the December 13, 2018 meeting. Mayor Pro-tem Trager mentioned that during the regularly scheduled City Council Meeting scheduled for tomorrow the Council will be making the decision on the new City Manager. Mayor Pro-tem Trager updated that Elephant Day was a successful event this year. The SCRDA office will be moving with the other County Offices into the old Amin's Home Furnishings store located on North Date Street. Mayor Pro-tem Trager reported that she had attended the Workforce Solutions meeting that was held in Columbus. Chairman LaFont addressed Mayor Pro-tem Trager with the question of whether or not she had any information supporting the claims of Elephant Butte Lake becoming a bird sanctuary. Mayor Pro-tem Trager stated that the idea of the park becoming a bird sanctuary had come up last summer and then again within the last few months. At this time there is no stock in these claims and the park will not be changing or limiting access. Mayor Pro-tem Trager reported that there had been one RFP submitted for the management of Sierra del Rio Golf Course. Mayor Pro-tem Trager went over the different expenses that the City has incurred for Sierra del Rio, mostly for the kitchen.

9. CODE ENFORCEMENT REPORT

Chief Boone gave the code enforcement report for the month of September. Chief Boone presented the Commissioners with a report for their review. Chairman LaFont stated that he was happy to see that there had been some work done to the Family Dollar to correct some of the ongoing code violations including a falling down fence and weeds. Chief Boone reported that the manager at the store who had been there a year had been placing work orders with the district manager since July and so far, there has been no outcome on getting those taken care of. Chief Boone brought up another violation that is being brought up for a second time. A constituent who lives on Hawthorne has filed multiple complaints about the flood lights that are on the Elephant Butte Inn that are now pointed at her house and shining in her windows at night and causing her to lose sleep. Chief Boone stated he had looked into it and the Elephant Butte Inn is not in violation with their current lights and their placement. Chairman LaFont stated he had heard people talking about the new flood lights on two separate commercial properties in Elephant Butte; Elephant Butte Inn and Master Craft. Chief Boone addressed a complaint of a lewd comment on the VFW sign leading into the property that took place on September 12, 2019. The lewd comment was only up for about one hour. No one from the VFW denied that they had done it. Chief Boone stated that there is nothing within our ordinances that restrict business owners on using foul or lewd language on their commercial signs. As of right now there is no action that the City can take on this complaint until they receive more information from the Sheriff's Department. Chairman LaFont quoted code 152.07 sub section C5 that does clarify that no public signs can display foul language. Chief Boone reported on a complaint of a constituent operating a towing business out of his residential yard on Springland and Chama. Chief Boone stated he had found no violations at the property in question. Yes, there are tow trucks on the property but the business is registered to a location in Las Palomas Canyon and the tow truck drivers drive the trucks to their

residence in Elephant Butte. Vice Chairperson Vickers stated that there is a large number of vehicles lined up at on the constituent's vacant lot that are not their vehicles but vehicles that are accumulating after tows. Vice Chairperson Vickers asked Chief Boone to go back out and check the property again since the owner is over the allotted number of vehicles on the property. Chief Boone addressed a complaint that came in in regard to a property owner living in a motorhome/fifth wheel while they are in the process of building their home. There is currently nothing in the City's ordinances that say this is not permitted. Chief Boone then asked the planning and zoning board for further direction on this matter on how he should handle situations and complaints of this nature. Chief Boone reported on the Animal Registration Clinic that the City held on September 28, 2019. The turn out was higher than expected at the registration clinic, but the City will be extending the free registration until the end of November which will give the residents an additional sixty days to get their animals registered with the City. The City will not be having another Clinic in this time frame, residents will need to come into City Hall and register their animals with the Clerks. Chairman LaFont stated that it would benefit the City to add reminders to the City of Elephant Butte bills that are mailed out to come into City Hall and register your animals.

10. ZONING PERMIT UPDATE

Chief Boone reported that he had been having computer issues this morning and was unable to provide a properly prepared zoning report. For the month of September there were five zoning permits issued, all to residentially zoned properties. One of the issued permits was for Shattuck Vineyards that applied for a mobile vending permit. Shattuck Vineyard was apart of an event where they would be dispensing and selling alcohol therefore, they needed to obtain the mobile vending license through the City as well as the off premise serving license through the State of New Mexico.

11. PUBLIC HEARING ACTION ITEMS

None

12. REGULAR ITEMS

a. Discussion/Possible Action: Ordinance 180 - Residential Dwelling Width

Chairman LaFont gave an overview of Ordinance 180, there was also a one-page summary included in the Commissioner's packets of Ordinance 180 with City Attorney Charles Rennick's comments along with Chairman LaFont's comments. Chairman LaFont and Chief Boone discussed an item that was in the Ordinance 180 that Charles Rennick had struck from the latest draft. The item in discussion was wording on adding to an existing structure, only if it was over 120 feet would the owner need a permit. All agreed that this item needs to stay in the Ordinance but the verbiage needs to be re-worked to present a clearer statement.

Chief Boone stated that there were several contradictions within Ordinance 180 as written. Section 155.006 states there can be no construction on a property without a zoning permit. Section 155.006E states that a permit is only required for structures over 120 feet. Chief Boone suggested that they take out section 155.006E and leave the statement in section 155.006 remaining as no construction of any kind without a zoning permit.

The Commission discussed the setbacks that Charles Rennick had suggested for pools which was 3'. Chief Boone and Vice Chairperson Vickers both stated they wanted the setbacks to follow what the City has in place for their other setbacks which is 5' for sides and back.

The Commission along with Chief Boone went over all suggested changes and revisions.

Chairman LaFont stated the amendments that are taking place today will be sent back to City Attorney Charles Rennick for re-drafting. At that time, it will come back to the Commissioners for approval.

Vice Chairperson Vickers made a motion to approve Ordinance 180 with all amendments that were made today. Commissioner Fuss seconded. 4-0. Motion Carried.

b. Discussion/Possible Action: Ordinance 187 – Vehicle Consignment

Chairman LaFont started a discussion on Ordinance 187 on what the Commissioners want the outcome to be for vehicle consignments within Elephant Butte. Chief Boone stated he wants to see the City of Elephant Butte correct this matter, clean up the City from looking like a perpetual yard sale everywhere you turn. The suggestion was made to possibly have a car lot in Elephant Butte for consignment vehicles that would be a certified business through the City rather than individuals utilizing vacant lots and storage lots to sell their vehicles.

Commissioner Looney stated he doesn't want any consignments allowed within Elephant Butte at all. Vice Chairperson Vickers stated she does not want any consignments allowed and wanted to add that by doing this it would save the City legally by not allowing individuals to have consignments and not adhere to the requirements of car sale lots within New Mexico.

Chairman LaFont stated he would be working further with staff and legal to re-draft this Ordinance to further fit what the Commissioners want to see as the outcome of this Ordinance.

**** * This ordinance was brought up later in the meeting. ******

Commissioner Looney made a motion to table Ordinance 187. Vice Chairperson Vickers seconded. 0-4 Motion Died.

Vice Chairperson Vickers made a motion to forward Ordinance 187 to legal and staff for review. Commissioner Looney seconded. 4-0. Motion Carried.

c. Discussion/Possible Action: Ordinance 189 – 5 Month Home-Based Business Moratorium

Chairman LaFont started off the discussion stating that this was ordinance written by staff without P&Z direction. Chief Boone stated that right now home-based businesses is the City's GRT. Mayor Pro Tem Trager emphasized that the City is in serious need of revenue. Vice Chairperson Vickers pointed out that we can't allow every resident to have a commercial enterprise on their residential lot.

Commissioner Looney asked what was the Council's position. Mayor Pro Tem Trager replied that it hasn't been discussed in a while. She also mentioned that Code is outdated and needs to be revisited. Chairman LaFont said that they could proceed to stick with the ordinance as is, re-draft it, do an amendment or take it off the docket completely. Commissioner Looney stated that we need to know what the Council wants before we proceed.

Vice Chairperson Vickers brought up the point that she would prefer storage lots to be assessed for some type of fee rather than allowing commercial enterprises in residential areas. Chief Boone pointed out that in the past it was brought up to assess some type of user fee for storage units since they are exempted from GRT. Mayor Pro Tem Trager suggested having a workshop between the Council and P&Z to further discuss the matter.

Vice Chairperson Vickers made a motion to table Ordinance 189 until the Comprehensive Plan has been worked on/completed. Commissioner Looney seconded. 4-0. Motion Carried.

13. ADJOURNMENT


Commissioner Looney made a motion to adjourn. Vice Chairperson Vickers seconded. 4-0. Motion Carried.

Minutes approved and adopted at the Planning and Zoning meeting on November 5, 2019.



Nathan LaFont, Planning & Zoning Chairman

ATTEST:



Rani Bush
City Clerk-Treasurer

