



CITY OF ELEPHANT BUTTE
REGULAR CITY COUNCIL MEETING - OPEN TO THE PUBLIC
Wednesday, November 6, 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 via phone call

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

Charlie Warren 207 Camino Cinco Elephant Butte, NM – Wanted to thank Paul who is the blade operator for the City of Elephant Butte and everything that he does to keep the streets and medians looking nice and clean.

Terri Copsin 207 Tewa Elephant Butte, NM – Terri Copsin addressed the council asking who sets up the agenda and who reviews the minutes from the previous meeting to make sure it is being presented properly. Copsin stated that from the last meeting it was stated that all swearing in would take place in the beginning of the meeting including the appointment of the open council seat. Copsin also stated that she must have missed from the last meeting about the Pro-tem being appointed she was under the impression it was a vote. Copsin stated in her opinion the City of Elephant Butte is being run like a business and not a municipality. Copsin stated that the citizens had elected a Council to run this City and their voices should be heard and not all decisions should be being made by one person.

Mayor Pro-tem Trager responded to Terri Copsin's public comment in regard to the appointment of the Mayor Pro-tem as well as the empty councilor seat that she had consulted with the City attorney on this.

5. BOARD AND COMMITTEE REPORTS & APPOINTMENTS

a. Oath of Office: Edna Trager, Mayor

Judge Dalrymple swore in Edna Trager as the Mayor of Elephant Butte, presenting her with her official oath of office.

b. Oath of Office: Vicki Ballinger, City Manager

Judge Dalrymple swore in Vicki Ballinger as City Manager of Elephant Butte, presenting her with her official oath of office.

c. Appointment of Kim Skinner, Mayor Pro Tem

Mayor Trager named Councilor Skinner as the newly appointed Mayor Pro-tem.

Councilor Skinner stated that previously under Mayor Kent when she had been appointed Mayor Pro-tem it had always been presented to the Council for their approval and vote. Councilor Atwell agreed with Councilor Skinner's statement stating also that there had been a document provided to the Council by the previous City Attorney stating that it is the decision of the Council. Mayor Trager stated she had a copy of the referenced document. Within the document it is stated that it is a submission by the Mayor with approval by the Council.

Councilor Atwell made a motion to appoint Kim Skinner as Mayor Pro-tem. Councilor LaFont seconded. Motion Carried.

6. PRESENTATION

a. American Legion Presentation

Mayor Trager read the proclamation that was being presented to the American Legion Auxiliary which was the Centennial Day Proclamation. Mayor Trager declared November 10, 2019 as American Legion Auxiliary Centennial Day.

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

Mayor Pro-tem Trager made a motion to approve the agenda. Councilor Atwell announced he would be recusing himself from Regular Item C as it involves his County position. Councilor Atwell seconded. 3-0. Motion Carried.

8. MAYOR AND COUNCIL REPORTS

Councilor LaFont – No Report

Councilor Atwell requested a moment of silence to honor the prior City Manager of Elephant Butte, Yovanne Lucero, who passed away last week.

Mayor Pro-tem Skinner reported that the New Mexico Tourism Department will be teaming up with Google and will be presenting a workshop called “Google My Business”. There is free registration for this workshop. The workshop will be held in Las Cruces on November 19, 2019 8:30am-10:30am at the Convention Center. This workshop is geared to help businesses boost their online presence with their website and social media. Mayor Pro-tem Skinner stated that there will be a Southwest Development Workforce Meeting in Socorro and will report on this at the next meeting. Mayor Pro-tem Skinner stated that she has also been working on the Rio Grande Trail Corridor Project Plan, it has applied to the National Parks Service for a grant and that grant was awarded. Mayor Pro-tem Skinner reported on attending the Outdoor Economic Conference in Silver City along with Mayor Trager that for the cost of \$40.00 for the day and half event it was well worth the money and the time. Mayor Pro-tem Skinner is also on the committee for the Capital Christmas Tree that will be having a whistle stop on Truth or Consequences at the Forest Service Office on Thursday November 14, 2019 from 3:30pm- 5:30pm. The Middle Rio Grande Economic Development Tourism Committee met on October 23, 2019 they are currently looking at their website to do some updates.

Mayor Trager reported on attending the Outdoor Economic Conference with Mayor Pro-tem Skinner in Silver City. Mayor Trager stated that there was a very large turnout at this event. Mayor Trager reported that also in attendance were Bruce Swingle from Sierra County as well as John Masterson from the TorC Brewery and Earl Greer from Plaza Realty in Elephant Butte. Mayor Trager reported she had just returned from Santa Fe where she attended the Western Governors Conference, the conference was called Reimagining Rural America. States in attendance were Wyoming, Montana, Colorado, Arizona and with the chair Governor being from South Dakota. Mayor Trager stated that there were a lot of positive opportunities for our area that were discussed during this conference. Mayor Trager reported that the SJOA submitted their first quarter report, in comparison to the first quarter report for 2018 the numbers are up roughly 600. The total number of individuals receiving services from the SJOA are over 2000. The SJOA reported that they are starting to get a lot of the snow birds in which is bringing their service numbers up as well. Mayor Trager stated that the City of Elephant Butte had received a response from the Attorney General about a complaint from July about rolling quorums and secret meetings, the response stated there was very little evidence provided that these items occurred. The secret meeting that was referenced was held between two people and did not qualify as a secret meeting as there was no quorum. There were no violations of the open meetings act and the Attorney General considers this matter closed. There was another meeting recently along the same lines as the other meetings that Mayor Trager has attended. This one consisted of appointing two representatives for our area; one being Will Dooley the president of the

Elephant Butte Chamber of Commerce and Mayor Pro-tem Skinner will also be representing the City of Elephant Butte. The first meeting for this will be November 12, 2019 at the Albert J Lion Event Center at 5:30pm. Monday November 11, 2019 is Veteran's Day, the City of Elephant Butte will be displaying all of the flags along Butte Blvd. Mayor Trager asked the Field Operations Supervisor, Brian Burlage if he was looking for any volunteers for this event. Burlage stated all volunteers could meet at the public works office at 6:30am on November 11, 2019 to start placing the flags. Mayor Trager reported that the City had had a meeting with Bohannon and Huston in regard to the Camino Cinco project. The City also met with residents in the area and these residents were able to give their input on this matter during this meeting with Bohannon and Huston.

9. CLERK-TREASURER REPORT

City Clerk-Treasurer Rani Bush reported that the week of October 14, 2019 she spent the entire week in Albuquerque for Clerk's training, she stated she learned a lot. After this training she now has brought this learned knowledge back to City Hall to share with the rest of the Clerks and staff. There was thorough training on proper procedures for Meeting Minutes, Finances, and Agendas. The following week City Clerk-Treasurer Bush was in Albuquerque again for additional training on Procurement Training. City Clerk-Treasurer Bush stated that she has been going over the budget aspects with new City Manager Vicki Ballinger and getting her up to speed on the budget process for City of Elephant Butte. City Clerk-Treasurer Bush presented the council with the monthly check report for the prior month and all outgoing checks. Along with this report City Clerk-Treasurer Bush presented the council with the first quarter budget report. The City of Elephant Butte's first quarter ended October 31, 2019. City Clerk-Treasurer Bush gave credit to Michael Steininger from the DFA who spent time here at the City of Elephant Butte over the summer and into the fall helping with the budget.

10. CONSENT ITEMS (Roll Call Vote)

a. Approval of Meeting Minutes, October 2, 2019

Mayor Pro-tem Skinner made a motion to approve the meeting minutes from October 2, 2019.
Councilor Atwell seconded.

City Clerk-Treasurer Bush called roll

Mayor Pro-tem Skinner – yes

Councilor Atwell – yes

Councilor LaFont – yes

Motion passed.

11. PUBLIC HEARINGS

a. Approve/Disapprove: Ordinance 180 - Residential Building Width

City Clerk-Treasurer Bush stated that unfortunately neither Chairman LaFont or Vice Chairperson Vickers from the Planning & Zoning were able to be present for this public hearing but she herself had some points she would like to address.

Elephant Butte Municipal Court Clerk, Lindsey Moore, swore in City Clerk-Treasurer Bush to proceed with the public hearing of Ordinance 180.

Within this Ordinance it has been clarified to which zones a single and double wide are allowed. Single wides are allowed in zones R1B, R1D, and R1P. Double wide or multi-sectional homes are allowed in all zones. City Clerk-Treasurer Bush continued going over the revisions that had been made to this ordinance to further clarify the many sections and topics within the ordinance. The planning and zoning commissions goal was to have this ordinance clarified. Planning and Zoning made the decision that residents utilizing RVs as additional living quarters is not appropriate and that part of the Ordinance

would need to be changed to reflect that it is only permitted for 30 days consecutively and only a total of 90 days annually. This can no longer be a permanent living quarters on a lot in addition to a home. Mayor Trager asked if there will be a limit of how many RVs are allowed on their property at one time. There was no clarification within the proposed ordinance on the number of allowed RVs per property. The clarification was also not there if this was for stored RVs or RVs intended to be used as a second dwelling on the property. Councilor LaFont stated he was under the impression it was only allowing one RV per property. Councilor Atwell stated that he currently has two RVs on his property and could have up to five because of him owning a one-acre lot. Mayor Pro-tem Skinner stated that she felt like only allowing one RV per property was restrictive, that two would be fine but any more than that it would start to have the appearance of a storage lot. The council was in agreement that there should be no more than two RVs on a property. Mayor Pro-tem Skinner requested that when City Clerk-Treasurer Bush brings the Ordinance back to the Council that it is a cleaner copy so it is easier to read and follow without the varied colors of corrections that are currently on it. Mayor Trager requested that they send the ordinance back to Planning & Zoning for the revisions before a final approval.

There were no comments or questions from the public during this public hearing.

12. REGULAR ITEMS

a. Discussion/Possible Action: Appointment of City Councilor

Mayor Trager addressed the Council as well as the public that there is an envelope containing the letters of interest that were submitted in March 2019. Since this time there have been no additional submissions for the empty Council Seat. Mayor Trager listed the interested parties by alphabetical order; Patsy Barnett, Ken Swan, Johanna Tighe, and Michael Williams. Mayor Trager stated that she was suggesting Ken Swan to fill the empty City Council Seat. Mayor Pro-tem Skinner stated that she disagreed with the suggestion that Mayor Trager made for the Council seat and wanted to talk about the Local Election Act that was passed by the Council in January 2019. According to the Local Election Act which you can view online, page 78 section 53 which states when there is a vacancy of a council member that vacancy can be filled by the Mayor with consent from the governing body. Mayor Pro-tem Skinner stated that she feels that this should be a decision by the Governing Body as a whole. Mayor Pro-tem Skinner stated that her personal submission for the open Council Seat is Michael Williams. Councilor LaFont seconded for Ken Swan. Mayor Pro-tem Skinner and Councilor Atwell both corrected Councilor LaFont that there had been no first for Ken Swan only the suggestion by Mayor Trager. Councilor Atwell seconded for Michael Williams. Mayor Pro-tem Skinner stated that her and Councilor Atwell make up the majority vote for Michael Williams. Mayor Trager officially announced that Michael Williams will be appointed as the newest Council Member. Mayor Trager requested that Judge Dalrymple prepare an Oath of Office for Michael Williams so he can then be sworn in during today's meeting. Mayor Trager thanked all those who submitted their letters of interest.

Judge Dalrymple swore in Michael Williams as City Council Member of Elephant Butte, presenting him with his official oath of office.

b. Discussion/Possible Action: Resolution 19-20-106 FY17-18 Audit Approval - Beasley, Mitchell & Co.

Ashley Tierney from Beasley, Mitchell & Co gave a slideshow presentation on the findings from the FY 17-18 audit that had been conducted. Tierney stated the audit was well over 100 pages and they would not be going over the audit page by page but hitting certain areas as well as addressing the findings that came about during the audit. Tierney discussed the importance of having an audit done and the items that are looked for during these audits. Tierney addressed the City of Elephant's assets, the total amount of the assets for the City total roughly \$18 Million and there is approximately \$17 Million that is tied up in Capital Assets, which Tierney stated is fine as long as they can track them. Tierney broke down the statement that lists the revenues, taxes & grants, and other which will bring you to the total revenue for FY 18. This report was then broken down into expenses by function. A large

bulk of the revenue that has come in is going towards the Sierra del Rio Golf Course. The Sierra del Rio Golf Course is considered an Enterprise Function of the City of Elephant Butte, which means it is supposed to operate like a business and can pay for itself. During the FY 17-18 there was quite a bit of funds coming from the City's general funds and being funneled into the Sierra del Rio, Tierney would like to see these decrease and have the Sierra del Rio become more self-sufficient. Tierney stated that towards the end of the FY 17-18 she did notice that the Sierra del Rio was becoming less reliant on City of Elephant Butte General Funds. The next item Tierney wanted to look at is the General Government Fund which is right on par for the budget and expenses. The Waste Water Fund showed a high expense for FY 17-18 and the auditors would like to see that decreasing. Tierney stated that the auditors would like to see the Waste Water operate more self-sufficiently as it is also an Enterprise Fund just like Sierra del Rio. Tierney went over the changes that were presented in the differences between 17 and 18 which she stated were pretty even. During the audit they are not just looking at the financials of the City of Elephant Butte but they are also looking into the internal controls of the day to day process of the City of Elephant Butte and its operations. Tierney stated that during an audit there are three levels of findings with the top one being the most serious and that is a Material Weakness. There is another that is referred to as Other Non-Compliance. The auditors do test to make sure that the City of Elephant Butte is meeting the compliance standards set forth by the state. There was one repeat finding from FY16-17 that surround the Sierra del Rio Golf Course on asset tracking, inventory tracking, and cash tracking. There were 15 total findings for the FY 17-18, out of these 15 there were 2 findings that rose to the level of Material Weakness; one being the fixed asset schedule and the second was cash and internal controls. All cash received by the City must be deposited into the bank within 24hrs time due to us being a Government Entity. Tierney mentioned that another finding was on recording keeping in regard to meeting minutes and record retention. When they reviewed the meeting minutes there were some that were missing. Another finding that was noted was receiving proper authorization prior to making an expense. A purchase order, purchase requisition, and an invoice should all be within the expense report to document with signatures that the expenses were properly approved. Journal Entries are a manual entry done by a person into the system around the financial status. All Journal Entries need to have a second pair of eyes and a signature and date. Tierney stated that an accounting policy and procedures needs to be written and in place where it states who can do what when it comes to the accounting process. This finding was due to repeat turnover over the past year. Cash Management, the General Ledger did not match what was reported to the DFA. One of the Material Weakness findings was on keeping inventory of sellable assets. Mayor Pro-tem Skinner thanked Ashley Tierney for all of her hard work.

Mayor Pro-tem Skinner made a motion to approve Resolution 19-20-106 FY17-18 Audit Approval - Beasley, Mitchell & Co. Councilor Atwell seconded. 4-0. Motion Carried.

c. **Discussion/Possible Action: Floodplain Management Agreement**

Mayor Trager stated that this agreement is between the County of Sierra and the City of Elephant Butte on the Floodplain Management.

Mayor Pro-tem Skinner made a motion to approve the Floodplain Management Agreement. Councilor LaFont seconded. Councilor Atwell previously recused himself from this item. 3-0. Motion Carried.

d. **Discussion/Possible Action: Resolution 19-20-104 Camino Cinco Capital Outlay NMDOT Program**

Mayor Pro-tem Skinner made a motion to approve Resolution 19-20-104 Camino Cinco Capital Outlay NMDOT Program. Councilor Atwell seconded. 4-0. Motion Carried.

e. **Discussion/Possible Action: Resolution 19-20-105 Budget Adjustments FY19-20**

Michael Steininger from the DFA was joining the discussion via phone call. City Clerk-Treasurer Bush gave a summary of the adjustments that have been made by her with Michael Steininger's direction and assistance.

Mayor Pro-tem Skinner made a motion to approve Resolution 19-20-105 Budget Adjustments FY19-20. Councilor Atwell seconded. 4-0. Motion Carried.

f. **Discussion/Possible Action: Add of Vicki Ballinger as signer on City bank accounts**

Mayor Trager proposed adding City Manager Vicki Ballinger as a signer on the City of Elephant Butte's bank accounts.

Mayor Pro-tem Skinner made a motion to add City Manager Vicki Ballinger as a signer to the City of Elephant Butte's bank accounts. Councilor Atwell seconded. 4-0. Motion Carried.

g. **Discussion/Possible Action: Approval of Contract for City Attorney with Holt Mynatt Martinez**

Mayor Pro-tem Skinner made a motion to approve the Contract for City Attorney with Holt Mynatt Martinez. Councilor Atwell seconded. 4-0. Motion Carried.

13. EXECUTIVE SESSION

- a. The contents of competitive sealed proposals solicited pursuant to the Procurement Code [13-1-28 NMSA 1978] are discussed during the contract negotiation process pursuant to NMSA 1978, section 10-15-1 (H) (6), relating to RFP 19-20-002 City Attorney

****No executive session, action taken under 12G.****

14. ACTION

- a. Discussion/Possible Action: Approval of Contract for City Attorney with Holt Mynatt Martinez

****Action taken under 12G.****


15. ADJOURNMENT

Mayor Pro-tem Skinner made a motion to adjourn. Councilor Atwell seconded. 4-0. Motion Carried.

Minutes approved and adopted at the Special City Council Meeting on November 21, 2019.


Edna Trager, Mayor

ATTEST:



Rani Bush
City Clerk-Treasurer

