



**CITY OF ELEPHANT BUTTE**  
**REGULAR CITY COUNCIL MEETING - OPEN TO THE PUBLIC**  
**Wednesday, January 22, 2020**  
**Municipal Building, 103 Water St. Elephant Butte, NM 87935**

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**MINUTES**

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Trager called the meeting to order. P&Z Chair Nathan LaFont led the pledge.

**2. ROLL CALL**

Clerk-Treasurer Rani Bush called roll.

Mayor Edna Trager - Present

Mayor Pro Tem Kim Skinner - Present

Councilor Travis Atwell – Present via Phone

Councilor Gerald LaFont – Present

Councilor Michael Williams – Present

Clerk-Treasurer Bush declared there was a quorum present.

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

**4. PUBLIC COMMENT**

**Jerry Baker, 115 Mesa Grande, Turtleback Mountain Resort**, wanted to make sure that the Mayor and Council were ready to make a decision on somebody to operate the golf course. He didn't think it was doing very well the way it was. When they moved here 8 years ago, it was green year round, it's now dead. The food service and beverage is far from being good. Their main reason for moving here was the lake and golf course and now that they have seen people that have run business off day by day, it is very discouraging to not see it run properly. He doesn't know the complete details about Spirit Golf, however they are golf course people and they manage golf courses. His feeling is that the Council doesn't have the time someone down there on a regular basis to see that it is run properly.

He then asked if the Council would like to see a show of hands of how many people in the audience are in favor of something being done down there. Mayor Trager declined, but Mayor Pro Tem Skinner did want to see a show of hand so that not everyone would have to come to the podium to speak up. Sixteen hands were raised. Mayor Trager explained that she appreciated the comments but it comes down to numbers. The Council wants to make the best, informed decision possible for the entire City. Mr. Baker replied that the only thing he knew was the proposal from Spirit Golf. He doesn't want it to deteriorate any further.

**Shannon Whitehead, 101 La Senda, Sierra del Rio**, wanted to vouch for Spirit Golf as they have taken over Picacho Hills Golf Course and turned that around. It's quite clear that we need somebody that knows the golf business, not necessarily just management. We've had other companies in the past come in. We've paid them through the nose. They've been out of state. They know management, but they do not know golf. You need golf management. Spirit Golf knows that very well.

Secondly he wanted to say that we need to strengthen our community, Elephant Butte in general. With the Valerio Gas Station closing and Hodges closing, we certainly cannot allow our golf course to close. He thinks that a majority of us in the room own property on the course. To let the course die and become a dirt track would mean that all those houses would become vacant. We do not want that happening.

**Steve Sanchez, 404 Skyline**, wanted to add that the Mayor just mentioned numbers. If the Council take a look at the numbers, please look at professional numbers from a professional golf company. It's been mismanaged so you are looking at mismanaged numbers. He's not familiar with Spirit Golf but would like Council to look at numbers that they can provide and make an informed decision from there.

**Jerry Traweek, 100 El Sendero on the Golf Course**, commented that it been mentioned that Spirit Golf knows golf and are professional and that we need something like that. He was a superintendent for 12 years. The golf course went through 2 management companies that didn't help. All they did was cut spending. He's all for Spirit Golf if they can convince him that they are here and they can improve things. But we don't know what's on the table. We don't know what the City's going to do if they don't hire them. We don't know what they are going to do if they are hired. I would someone from Spirit Golf (Richard, Todd) to get up or from the City to get up and explain to us what the parameters of the data are. That way we can have an opinion based on fact, not just rumors we hear roaming around town.

**Sheridan Fuss, 104 La Puente on the Golf Course**, doesn't know of anyone in the room that has a bigger stake in this situation than he had. He and his family have 3 homes and 2 lots. The restaurant and bar have never been better in the 10 years that he has been there. The service is excellent, the food is excellent, and everything about it is excellent. I can't speak for the golf course because of the damage in his back and shoulder, but he can say one thing, looking out his window, he doesn't see anything worse than he has seen over the last 10 years. He knows that there is a cost involved. If we are going to spend money, let's spend money to promote a golf course. That's his opinion. He appreciates the non-residents' comments, the people who don't live here full time. Those of us who do support the golf course, the club and the bar. If you want to support the golf course and the City, you need to go eat there. When I go into that clubhouse, it's beautiful, it's organized, well stocked and there are very pleasant people who are working in there. That's all he can say. He is very much for doing whatever we can for the golf course. He asked the Council to be reasonable in their thinking.

## **5. SWEARING IN CEREMONY**

Devon Jones was sworn in as Code Enforcement Officer for the City of Elephant Butte.

## **6. BOARD AND COMMITTEE REPORTS & APPOINTMENTS**

Nathan LaFont, Chair of the Planning & Zoning Commission presented a list of 2020 priorities for the Commission. It was very helpful last year to get Council approval of the list so they wanted to do the same for 2020. Mayor Pro Tem Skinner commented that listing a moratorium on home based businesses was premature since they would be voting on it later in the meeting. Chairman LaFont explained it was a work-in-progress and the council could change the list anytime they saw a need. The list was a guideline along with the Comprehensive Plan.

## **7. PRESENTATION**

None

## **8. APPROVAL OF AGENDA - Council Declaration of Conflict of Interest**

Mayor Pro Tem Skinner made a motion to approve the agenda with the removal of Regular Item 16.b Discussion/Possible Action: Resolution 19-20-111 Budget Adjustment #2 FY19-20 until the February agenda. Councilor LaFont seconded. 4-0. Motion Carried.

## 9. MAYOR AND COUNCIL REPORTS

**Mayor Trager** reported that discussions with POMS about revisions to the Personnel Manual are continuing. There are been delays due to new State legislation and laws. It will be in a new format, breaking it down into smaller sections to make updating it simpler. There will be ordinance that will go with it. We had a Comprehensive Plan workshop on January 15 with the City Council and P&Z Commission. It went well and there is an ambiguous target date of August to have it completed. They are looking for new input including new resident surveys and town hall meetings.

She attended a Lodger's Tax meeting yesterday. It went very well. They voted to switch the submission date to March 1 which will fit into the calendar better for budget planning. Applications will be available on February 1 for the 2020-2021 Fiscal Year. There will be an ad for the City of Elephant Butte in the NM Adventure Guide. We also have brand new updated visitor's guides that are coming out. As P&Z Chairman LaFont mentioned earlier, they will be working an ordinance for collecting lodger's tax on short-term rentals. The Census is a big topic. She will be attending a Census meeting on January 28.

There are been lot of interest about the Sierra del Rio Golf Course. She thanked everyone for attending the meeting today and for their input. She provided a quick overview. Not much was done in the first 3 months of ownership. No money transferred in, no big repairs made. The following year, everyone heard about the little over \$300,000 that was transferred in to the golf course. That was for the sale of the liquor license so even though it came through the City fund, it was golf course money going to the golf course. Again no major repairs were done that year. The second 12 months, there was a transfer of \$200,000 that came from the City to the Golf Course that was a big investment. Both the auditors and the DFA (Dept. of Finance and Admin.) threw up some red flags, saying the City can't keep going this way. The Golf Course is an enterprise account and needs to stand on its own. The recommendation from the DFA going into this fiscal year was for the City to transfer in over \$325,000. That threw up major red flags.

At this point, we are more than halfway through the year and have used approximately \$100,000 of that money that was transferred in from the City. The good news is that there is less and less being transferred into the Golf Course. She can't say that all this money is being made at this point. This year there have been a lot of repairs, it's a facility that hasn't been maintained for a very long time. There are things that just absolutely have to be done. She attended a meeting at Picacho Hills Golf Course the day before that Spirit Golf Management had invited the Council to attend. One question that did come up was the conditions of the course and the grass at Picacho. It is winter and the condition of the course isn't any different than in the past years. SDR has a mix with Bermuda grass that does turn brown in the winter. The mix at Picacho Hills is different and looks a little blonde which is a better term.

There were a lot of repairs to the kitchen. There have been electrical issues, door issues, roof issues. Whoever comes in to help us, we are the owners, and we are the landlords. Those things aren't going to go away. There was a question about rounds of golf. The numbers are going down slightly. The bar and restaurant revenue is going up, up, up. The course and pro shop is the part that is going down. From July 2017 to June 2018 we had 10,805 rounds of golf. The following year July 2018 to June 2019, we had 10,298 rounds of golf. This year so far, halfway through the year, we have had 5,301 rounds of golf. So we are on pace for 10,000 which seems to be the magic number to sustain. Hopefully this provides a little bit better of a picture of what's going on. They are in the middle of negotiations so she didn't divulge the nature of the agreement with Spirit Golf at that moment.

It is a process. It is a golf course owned by a municipality. There are auditors and the DFA in the background. There are a lot of people looking over the City's shoulders. She appreciated that a lot of the audience are home owners at Turtleback and she appreciated the comment from Mr. Sanchez who lives in the city, not on the golf course. There is an importance to the entire city when it comes to the golf course. They do have to look at the big picture. This isn't all the details that people are looking for, but the Council is working on filling in that picture for everyone. She wasn't able to break it down by pro shop, golf course, bar, restaurant, but they are getting closer to doing those types of breakouts. Every year of ownership, there have been different people working on it and the numbers have been bundled in different

ways. Right now the best she can do is talk about golf course, pro shop, bar, restaurant. Councilor Williams pointed out that they had something that private golf courses don't have: the State of New Mexico Dept. of Finance and Admin. hovering over and telling them how they are going to do things.

Mayor Trager finished her report by starting that the City is in the process of changing over their email. Her new email will be much shorter: [mayor@cityofeb.com](mailto:mayor@cityofeb.com). She invited anyone with more comments to email her.

**Councilor Atwell** reported that he attended the workshop last week and he will be meeting with the City engineer in the next 2 to 2 and ½ weeks to do a review of the current City drainage plan and doing some updates on that.

**Councilor Williams** reported that he had some calls in reference to the dumpsters through the holidays. From his prior notes, the City is supposed to provide dumpsters on the major holidays and our last holidays were one of them. He asked the clerk-treasurer to review the minutes to clarify which holidays the dumpsters will be provided.

**Councilor LaFont**, a member of the South Central Regional Transportation Planning Group, reported that they are working on getting service up to TorC and Elephant Butte. If they get here, he feels that there needs to be inner-city transportation as well. He thinks it might come in October or November of this year.

**Mayor Pro Tem Skinner** reported that as chairman of the Joint Powers Commission for the Hospital (the Owner's Board) they did unanimously approve a resolution to move forward with becoming a special hospital district. Senator Smith and Representative Dow are on board. She also met with the Middle Rio Grande Economic Development Board. They had their annual board of directors meeting. Valencia, Socorro and Sierra counties are represented there as well as Cañon. How each county is handling the Census was a topic of discussion. It is critical for everyone to know that the Census is coming up. They do need volunteers. They have things online and hope there will be local places when people can fill out the information online.

Mayor Trager added that there was paperwork outside the chamber in the lobby regarding the Census and jobs available. Also the City will provide a laptop at City Hall for people. There will be a lot of support throughout the county. The Census will be paying good money for people to drive out to the rural areas of these counties to get the information.

Mayor Pro Tem Skinner attended the Spaceport Ambassadors meeting. Dan Hicks of Spaceport America gave a presentation about their 5 legislative priorities. Elephant Butte is supporting those priorities. She will also attend the Tourism Department Regions Meeting which is in Santa Fe on February 5 as well as the New Mexico Hospitality Association Trends Conference on February 3- 4. She also attended the Comprehensive Plan workshop with Planning and Zoning. Afterwards she sent the city manager links to such things as the Spaceport, Geronimo Trails, Sierra County Tourism, etc.

## 10. CITY MANAGER REPORT

**City Manager Vicki Ballinger** reported that after being on the job for less than 4 months, she is still settling in. There is a lot going on. Since the first of the year, she has met with County Manager Bruce Swingle, Fire Chief Paul Tooley and State Representative Rebecca Dow. She also had a one-on-one meeting with Senator John Arthur Smith the prior week. She felt the Comprehensive Plan meeting the prior week went very well. They are starting to gather updated information for that project. She thanks Mayor Pro Tem Skinner for the information she provided.

In the area of Public Works, they are sending out notices of court action to residents who are behind on their wastewater payments. There are over \$11,000 in back payments for the City to collect. There is some

activity going on with the dozier in the community. They cleaned out a huge retention pond excavation project on Ontario that was completed the prior week. It was very impressive work completed by Brian Burlage and Paul Rintelen. They will be working next on a pond on Travis, then the week after that a pond on Organ.

They are also looking at backup generators for the wastewater lift stations in respond to any possible power outages. They only have a 2 hour holding time in case of a power outage. The water quality reports continue to be extemporary. She attended a certification course for water in Socorro with the Mayor. It was eight hours of water compliance. The SDR liquor license renewals are complete and posted on-site and she is the resident agent for each of them. Finally she is bringing on a new utility clerk. Her name is Kelly Smith. She is wrapping up 15 years of work at Sandia National Laboratory and she and her husband own a home in Elephant Butte. Once she is trained on the utility billing process, Lindsey Moore will be moving over to the Annex to assist the Fire Chief with residents needing permits or having zoning questions.

## **11. CLERK-TREASURER REPORT**

**Clerk-Treasurer Bush** handed the Council an updated list of all City ordinances. She sent 23 to American Legal to be codified which will become Supplement S-3. The cost will be approximately \$5,000. She also provided the Detail vs. Budget Report for the first half of the fiscal year. There are still corrections and adjustments that to be made that she wasn't able to correct by the meeting. She informed the Council that Michael Steininger from the DFA will be here the last week of February to help with finances and next year's budget. She passed out the January check report. Finally, she reported that she was working on the Second Quarter report to the DFA which was due at the end of the month.

Mayor Pro Tem Skinner commented that the report shows that Sierra del Rio on track with the revenue, currently at 52%. The pro shop expenses show 72.62%, remaining, the restaurant and bar only show 13.72% remaining, and golf course maintenance shows 45.95%. She is seeing a big discrepancy in the bar and restaurant vs. the pro shop. Mayor Trager commented that with the pro shop, they have adjusted it down to line items like merchandise vs. other things that used to be counted under the pro shop. Clerk-Treasurer Bush added that there isn't a needed "facility maintenance" line item which would show the repair expenses that are now showing up under the bar and restaurant throwing off those numbers. In the new fiscal year, the line items and departments need to be revised for better tracking.

Mayor Pro Tem Skinner also commented that with the overall revenue, the City still has 66% that should be coming in. Clerk-Treasurer Bush replied that one of the big items in revenue that hasn't come in yet is the Small Cities Assistance which was budgeted for \$140,000. It should arrive in March. Clerk-Treasurer Bush is also going to look into the trends with the different GRT amounts because some look low. Mayor Trager is concerned because of the changes with businesses in the City this year. Mayor Pro Tem Skinner commented that the fund summary percentages on the last page of the report are blank and it shows a remaining budget of -\$523,326.88. She is concerned that the numbers are not adding up.

Councilor Williams then commented that it does show -\$87,291.63 just for Sierra del Rio. If these are not correct numbers, we should wait until they are correct before putting them out. Clerk-Treasurer Bush replied that she wanted to at least provide the Council with something to go off of. Councilor Williams ask her to at least put a notification on the last page of any future reports about corrections/adjustments needed. She replied that she is working on the corrections and they should be cleaned up by the next Council meeting.

## **12. FIRE CHIEF REPORT**

**Fire Chief Toby Boone** started his report with the 3<sup>rd</sup> day of Legislative Session where House Bill 54 is being presented in part by Rebecca Dow. It is a bill that takes the remittance that is from the Fire Fund (approximately \$20 – 22 million) per year that goes back to the General Fund of the State. They would like that money to go for improvement and retention of volunteer fire departments across the state. We are hopefully that it gains traction and he will keep the Council updated about it.

He is planning on presenting the Fire annual work plan at the next Council meeting and providing the Fire financial statement with both purchases for this year and projections for next year. He provided 2 graphs "2019 Calls by Category" and "2019 Calls by Type." and explained the data breakdown of these graphs to the Council.

Mayor Trager asked if next time he could compare this with last year. He replied that last year there were 358 calls. Councilor Williams asked him if there was a way he could separate the calls that were outside of the city limits, even the state park, which is not part of the city limits. He is concerned that unless we have joint power agreements with other entities, he doesn't like seeing the City unprotected. Also if we are helping these other entities, can they can chip in so that we can expand the fire department, get better equipment and things like that. He would like Fire Chief Boone to provide this at the next meeting if possible. Fire Chief Boone responded that he would.

There are mutual aid agreements with Spaceport, the County for adjacent areas and with State Parks. He is working with the mayor and city manager to get additional funds from State Parks. He then explained that the City never is unprotected. It has not happened since he has been here. When they go out on a call where they are mutual aiding only one crew goes. This leaves another crew on standby, in-house. They are in Station 1 or Station 2 ready to respond to anything else that comes up in the City. There are 2 EMT's in Elephant Butte.

Mayor Pro Tem Skinner asked about the mutual aid agreement with the County. She stated that the Council was not consulted on that agreement. She does want to work with the County; however we need to be reasonable about what is responded to. She gave examples of Poverty Creek, Winston, Chloride, Hillsboro or Kingston. She wants to work with others but wants it to be limited by miles. She would have like the Council to have been consulted. Mayor Trager responded that a lot of times it comes down to equipment. Fire Chief Boone explained that the further they had responded to was this side of Red Hill. The boundaries for the department are I-25 over to mountains bordering White Sands, from Spaceport north to the County line. If there is any area they respond more to, it is within Socorro County. He has reached out to the Socorro City Commission asking for monies because they respond up to the 114. There are no plans at this time to respond to these outer communities. There has never been a time when he has not covered the City, it has been his priority for the last 4 years. He made a promise to help the City of Elephant Butte first.

Mayor Pro Tem Skinner was concerned that the most current county mutual aid agreement didn't come before the Council or was up for public comment.

### **13. CODE ENFORCEMENT REPORT**

**Code Enforcement Officer Jones** reported that in the 2 weeks since he began, he has given 11 violations which 3 have already been closed. Those violations are mostly accumulated trash within properties and he is sending out today 5 violation letters to homeowners.

Councilor Williams inquired if he had been able to identify the owners of the vacant houses. Officer Jones replied that he had through the County Assessor's Office. Those are the letters he is sending out.

### **14. CONSENT ITEMS (Roll Call Vote)**

#### **a. Approval of Meeting Minutes, November 21, 2019, December 4, 2019 & December 23, 2019**

Councilor Williams congratulated the clerk on finding only one typo with Gary Levine's name in the November 21 minutes.

Councilor Williams made a motion to approve the 3 sets of minutes with that correction. Mayor Pro Tem Skinner seconded. Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner - Yes  
Councilor Atwell – Yes  
Councilor LaFont – Yes  
Councilor Williams - Yes

Motion Passed.

## **15. PUBLIC HEARINGS**

### **a. Approve/Disapprove: Ordinance 174 – Storage Containers**

Nathan LaFont, the Planning and Zoning Chair presented both ordinances to Council. He started off with 174. It is amended the Code to allow shipping containers within the commercial district within the City of Elephant Butte. Currently shipping containers are not allowed. There are some that were put in place before the ordinance was passed 7 - 8 years ago. Besides this, the only time they are allowed are during the construction phase of a property for up to 6 months.

Ordinance 174 allows 3 per commercial lot within the commercial district with certain conditions (see Page 5). The reason for this is that many commercial businesses utilize them as additional storage. They could stay indefinitely. The only other control would be lot coverage. It would be counted towards the total percentage of structures on the property and that has to meet certain requirements based on the square footage of the property. It's counted as an impermeable surface so it would be counted as part of their structure.

There was no public comment on Ordinance 174.

Councilor Williams made a motion to approve Ordinance 174. Mayor Pro Tem Skinner seconded.

Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner - Yes  
Councilor Atwell – Yes  
Councilor LaFont – Yes  
Councilor Williams - Yes

Motion Passed.

### **b. Approve/Disapprove: Ordinance 189–Home-Based Business Moratorium**

Chairman LaFont explained that this issue has been before the commission for a number of years. There is discrepancy within the Code and the application process for home-based businesses (HBB) within the City. In addition, there has been a lot of confusion within P&Z and the City in administering the rules and regulations around HBB's and they have been inconsistently applied. Therefore P&Z would like to have the moratorium to order to have time to get input from the correct groups to straighten out the issue.

Mayor Trager asked about how this would affect the short term rental issue. Chairman LaFont clarified that short term rentals is a taxation issue, rather than a license issue, so it wouldn't be involved. Councilor Williams had two questions. First, would red-tagged homes be able to apply for a HBB license. Chairman LaFont replied yes if they meet the criteria. His second question was about how the moratorium would affect gross receipts for the City. Chairman LaFont replied that all existing businesses would not be affected; it's for new applicants only. Councilor Williams felt that instead of a moratorium, that P&Z should make this a priority and come back to Council within a month with corrected or amended ordinance so that it does not impact gross receipts.

Mayor Pro Tem Skinner did online research of other entities' ordinances and found the Las Cruces one to be perfect for what Elephant Butte needs. She passed out copies. She agreed with Councilor Williams that P&Z should be able to update the Code within a couple of months so that a moratorium would not be needed. She pointed out that P&Z was assigned this task in October of 2018.

Chairman LaFont highly recommended that Council either hires or contracts a zoning official to help with the codes. It's been something he has been working on for many years and the turnover of staff has been very frustrating. They have to start over and over. Mayor Pro Tem Skinner understood the frustration and explained that part of the reason she did the online research was to help move this issue forward. Chairman LaFont stated that currently P&Z get around 6 applications a year.

**Renee Cantin, 194 Camino Encantado**, commented that she sees minimal businesses bringing in gross receipts, like Councilor Williams brought up. The Council would not want to cast that aside. She also commented on the different types of home-based businesses and not all of them would need a public hearing if there was an invisible effect to the property like with internet based. These would be easy to approve. Additionally by the time this ordinance is in effect, it would be for only 5 months. So what is the difference if they have been doing it this long?

Councilor Williams made a motion to disapprove Ordinance 189 indefinitely. Mayor Pro Tem Skinner seconded.

Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner - Yes  
Councilor Atwell – Yes  
Councilor LaFont – No  
Councilor Williams - Yes

Motion Passed.

Councilor Williams asked that the P&Z Priorities be placed on the next month's agenda for further discussion and approval.

## **16. REGULAR ITEMS**

- a. Approve/Disapprove: Revised 2020 Holiday, Event & Meeting Schedule

Mayor Trager explained that while going through personnel matter with POMS and Associates, it came to light that the previous schedule that was approved didn't have the correct number of days that City Hall would be closed. Presidents Day (February 17) was added.

Councilor Williams made a motion to approve the revised 2020 Holiday, Event & Meeting Schedule. Mayor Pro Tem Skinner seconded. 4-0. Motion carried.

## **17. EXECUTIVE SESSION**

City Attorney Ben Young explained the format for this executive session. First only the Council, City Manager Ballinger and him will convene in closed session to discuss any of his comments on the contract, the revisions to the contract, and comments by DFA, if any. Then the members of Spirit Golf will be invited in.

Councilor Williams made a motion to go into Executive Session. Mayor Pro Tem Skinner seconded.

Clerk-Treasurer Bush conducted a roll call vote.

Mayor Pro Tem Skinner - Yes  
Councilor Atwell – Yes  
Councilor LaFont – Yes  
Councilor Williams - Yes

Motion Passed.

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

- 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 - Sierra Del Rio Golf Course, Restaurant, & Bar Concessionaire Services

\*\*\*\*\*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.

## 18. ADJOURNMENT

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

*Minutes approved and adopted at the City Council Meeting on February 19, 2020.*



  
Edna Trager  
Mayor

ATTEST:

  
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Rani Bush  
Clerk-Treasurer

