



**CITY OF ELEPHANT BUTTE
REGULAR CITY COUNCIL MEETING - OPEN TO THE PUBLIC
Wednesday, February 19, 2020
Municipal Building, 103 Water St. Elephant Butte, NM 87935**

MINUTES

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Trager called the meeting to order. Lisa Mattingly of the Sierra Joint Office on Aging led the pledge.

2. ROLL CALL

Clerk-Treasurer Rani Bush called roll.

Mayor Edna Trager - Present
Mayor Pro Tem Kim Skinner - Absent
Councilor Travis Atwell – Present
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

None

5. BOARD AND COMMITTEE REPORTS & APPOINTMENTS

a. Appointment of Mr. Patel, Alternate Lodger's Tax Advisory Board

Mayor Trager appointed Syresh Patel who runs the Elephant Butte Inn as an alternate Lodger's Tax Advisory Board member. The Council approved the appointment.

b. Planning & Zoning Commission

Mayor Trager requested that this item be moved to 14f so that The Planning and Zoning Priorities List could be approved.

6. PRESENTATION

a. Bohannon Huston – David Shields

City Engineer Shields updated the Council on some of the current projects they are working on including: 1) Camino Cinco, 2) an application due on March 10 to the Department of Transportation Local Government Road Fund for work on Michigan Drive, 3) the second phase of Warms Springs Blvd. 4) Balboa Park and 5) water and wastewater funding (possible Colonias Fund available in December).

He elaborated about Balboa Park. Last month the City worked on some of the drainage issues by building a detention pond with a cascading overflow. Terri Copsin, 207 Tewa, Elephant Butte, NM, asked about why surveys weren't being done within the Balboa Park area. Engineer Shields responded that the City is trying to mitigate some nuisance flows going through that area and that the pond was in the correct location per the 2004 Drainage Master Plan. To fix the drainage problem is a much bigger undertaking. Mrs. Copsin felt that there wasn't proper approval and it left the area destroyed. City Manager commented that she had the authority to approve the work done.

Mrs. Copsin also asked about dirt bikes coming into the area that was cleared. Mayor Trager replied that there was no discussion on fencing the area, but there was discussion of revegetation. There is natural seeding on hand and that is part of the plan. A question came up about the size of the disturbed area. Engineer Shields felt it was close to an acre. To survey it would be an additional cost to the city. Councilor Atwell recommended that the City go straight to the SWPPP plan because he felt it was over an acre and the City is at risk. Engineer Shields estimated the plan would cost around \$5,000 - \$6,000. Mayor Trager said it would need to be added to the agenda for the next meeting.

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

Councilor Williams made a motion to approve the agenda with Item 5b moved to 14f and Item 14d being postponed until December. Councilor Atwell seconded. 3-0. Motion Carried.

8. MAYOR AND COUNCIL REPORTS

Councilor LaFont has a meeting the following Wednesday and will make a report at the March meeting.

Councilor Atwell asked Clerk-Treasurer Bush about resolutions for IPRA (the Inspection of Public Records Act) and for Parliamentary Procedures with Robert's Rules of Order which he said was an annual requirement like the Open Meeting Act resolution is. Clerk-Treasure Bush will look in to the matter.

Councilor Williams attended a SCRDA (Sierra County Regional Dispatch Authority) meeting that morning and a contract with Spaceport America was signed. They will be part of the Sierra County system. They were looking for GIS (Geographic Information System) updates from Elephant Butte. This needs to get done as soon as possible. They also passed a resolution changing public safety telecommunicators from civilian to first responders. He also mentioned that the website needs to be update. It currently states that Elephant Butte is a strong mayor form of government, yet according to general provisions and rules of procedure, Elephant Butte is a council-manager form of government.

Engineer Shields followed up with a comment about the City's GIS. He did provide a cost for re-flying the area and providing an update. He wants to coordinate with another flight being done in the area to cut costs, probably in half. It would be around \$16,000 to do a solo flight. City Manager Ballinger said she is working on budgeting for it in the next fiscal year. There will be a flight in July in the area. Councilor Atwell added that the GIS isn't only aerial, but also 911 addressing that needs to be uploaded to the State and hasn't taken place in many years. Michelle Atwell from SCDRA commented that only uploads from the county have been received. The person in charge of uploads is more than willing to come and help any of the other entities. She will coordinate with Councilor Williams.

Councilor Williams asked to have Ordinance 157- Red Lots on the agenda for the March meeting.

Mayor Trager reported that she attended a Census meeting on January 28. Notes about the Census will appear on Elephant Butte utility bills and ads are starting on National TV. Pamphlets were also distributed at local RV parks. It's very important that everyone participates in the Census.

She attended the Santa Fe Tourism meeting on February 5. They are working on getting out best practices for Lodger's Tax. A new recommendation involves promoting attractions rather than events. The City's applications for Lodger's Tax are getting ready to go out. She also attended a Clean and Beautiful meeting

at the same time. There will be a webinar the Tuesday, the 25th, to discuss applying for these funds. Clean and Beautiful gets their money from the sale of car licenses.

The Council has a special meeting on February 12 to discuss the golf course. The Council did come to an agreement with SGM (Spirit Golf Management) which will go into effect on March 15. The Mayor asked that they keep the residents up-to-date with their vision for the golf course. The Mayor attended Colonias Day in Santa Fe and learned about their funding opportunities. She was also at the Game & Fish Expo in Albuquerque and learned about funding opportunities for OHV's. She suggested that this is a good time to review the City's plans for the OHV Park and see what funds can be obtained for it.

9. CITY MANAGER REPORT

City Manager Vicki Ballinger reported that on Thursday, January 23, she participated in an Emergency Operations Center training along with the Mayor at the Elephant Butte City Chambers. Participants include people from the State Police, the Sheriff's Department, SCRDA, NM Water and Sierra Electric.

A group looking at suicide prevention efforts met at the Chambers the prior Saturday. Raven Willow and Chantal Alverasco led the meeting with Sheriff Hamilton, some state police officers, a representative from the NM Veterans' Center, herself and others from the community attending.

City Manager Ballinger did respond to the IPRA (Inspection of Public Records Act) request of Terri Copsin with a final response sent out February 13 by certified mail. There was a snow day on February 11 and City Hall closed at approximately 11:30 am and had a delayed opening the next day.

She presented a certificate of appreciation to Brian Burlage, Public Works Director, for his extraordinary efforts during the snow storm. She also presented a certificate of appreciation to Fire Chief Toby Boone for his dedication to the community during this time of missing persons and suicides. Mayor Trager also expressed her appreciation to Fire Chief Boone and SCRDA for their efforts. While she was at the Colonias meeting she talked with Representative Martinez. One of his passion projects is to get more help for behavioral health. He was very concerned and wants to see what he can do.

10. CLERK-TREASURER REPORT

Clerk-Treasurer Bush passed out a listing of the dates that the trash bins will put out for the community. A new utility clerk, Kelly Smith-Collins, began two weeks ago. The current clerk, Lindsey Moore, will become the administrative clerk in the annex after Mrs. Smith-Collins is fully trained.

The second quarter financial report was submitted to the DFA (Department of Finance and Administration) on time. Michael Steininger from the DFA will be in house the following week to help with the FY 20-21 Budget. Clerk-Treasurer Bush complimented Deputy Clerk Jessica Newberry for her efforts in payroll during the transition of golf course employees from the City to SGM. She also complimented Administrative Asst. Jane Tinon for her efforts during the transition with contracts and agreements as well as Joe Carey for his efforts with inventory and other items.

11. FIRE CHIEF REPORT

Fire Chief Toby Boone reported that he talked with NM Water Services manager to go over the last year's hydrant testing results. There will be another testing in March. There were 45 calls in January for Elephant Butte. There were 7 zoning permits in January.

12. CODE ENFORCEMENT REPORT

Code Enforcement Officer Devon Jones reported that there were 23 violations in January, the majority of which were accumulated trash and vegetation. Fourteen have already been closed. Councilor Williams inquired about a situation at 305 Lakeshore Drive regarding vehicles for sale on private property vs.

commercial property. Officer Jones replied that there wasn't a violation and that the Mayor had talked to the resident about the situation.

13. CONSENT ITEMS (Roll Call Vote)

a. Approval of Meeting Minutes, January 22, 2020

Councilor Williams made a motion to approve the minutes. Councilor Atwell seconded. Clerk-Treasurer Bush conducted a roll call vote.

Councilor Atwell – Yes
Councilor LaFont – Yes
Councilor Williams - Yes

Motion Passed.

14. REGULAR ITEMS

a. Discussion/Possible Action: Ordinance 190: Chapter 31.64 Exemptions (Short Term Rentals)

City Attorney Ben Young explained that Ordinance 190 consists of a statutory change to Chapter 31.64 that will allow gross receipt tax to be applied to Air B&B's and other short term types of rentals by removing the same provision from the City's current lodger's tax ordinance that the statute removed.

Councilor LaFont made a motion to approve Ordinance 190. Councilor Williams seconded. Clerk-Treasurer Bush conducted a roll call vote.

Councilor Atwell – Yes
Councilor LaFont – Yes
Councilor Williams - Yes

Motion Passed.

b. Discussion/Possible Action: Letter of Commitment for Sierra Joint Office on Aging

Mayor Trager explained that she had received an inquiry from the SJOA (Sierra Joint Office on Aging) about a letter of commitment about the City's level of contribution for their next fiscal year. The current level is \$1,250 per quarter. She asked them for information about the services provided specifically to Elephant Butte residents and how it's changed from year to year. Crystal Walton, Executive Director of SJOA, gave an update to the Council. Unfortunately, the information currently cannot be broken out for Elephant Butte. The best they can provide is by zip code which includes other communities besides the City.

Councilor Williams made a motion to delay a vote until proper information can be provided. Councilor Atwell seconded. 2-1, with Councilor LaFont voting nay. Motion Carried.

c. Discussion/Possible Action: City of Elephant Butte Leave Policy Review

City Manager Ballinger explained in preparation for the transition of our employees to SGM, there are a few full time/salaried employees that will receive a payout. In order to determine the amount to pay out, she found issues with the policy manual regarding leave. There is a problem with accruing the PTO (Paid Timed Off) properly and employee notification. City Manager wanted to make the Council aware of this situation as she makes the determination of what the proper payout will be.

Attorney Young explained that how much will be paid out needs to be looked at further, especially around the anti-donation clause with paying for time not earned. He will consult with Mr. Steininger the following week for clarification.

d. Discussion/Possible Action: Colonias Funding

Discussion was postponed until December during the approval of the agenda.

e. Discussion/Possible Action: OHV Purchase

Fire Chief Boone explained the need for an OHV emergency vehicle to support the OHV activity that has increased in and around Elephant Butte that has been an economic boost to the City. He presented to the Council quotes for a vehicle for this purpose so the Fire Department could move forward with its purchase and gave rationale for his choice of the one from the Polaris Government Sales. He had spoken with the State fire marshals and they are in agreement with the purchase. He provided answers from the Council about the purchase.

Councilor LaFont made a motion to approve the purchase of the OHV emergency vehicle. Councilor Williams seconded. 2-1, with Councilor Atwell voting nay. Motion Carried.

f. Discussion/Possible Action: Planning & Zoning Priorities

Mayor Trager explained the P&Z Chair provided an updated priority list in the Council packet for review. Councilor Williams suggest to postpone this to next month since the P&Z are having a workshop the following week about home based businesses. If they can resolve the issue, it could be removed from the list all together.

Councilor Williams made a motion to postpone this item until next month. Councilor LaFont seconded. 3-0. Motion carried.

15. EXECUTIVE SESSION

Councilor Williams made a motion to go into Executive Session. Councilor Atwell seconded.

Clerk-Treasurer Bush conducted a roll call vote.

Councilor Atwell – Yes
Councilor LaFont – Yes
Councilor Williams - Yes

Motion Passed.

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

a. Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2); Fire Services

b. Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2); Restructuring of Clerk-Treasurer and Land Use Administrator positions

Councilor LaFont made a motion to come out of executive session. Councilor Williams seconded.

Clerk-Treasurer Bush conducted a roll call vote.

Councilor Atwell – Yes
Councilor LaFont – Yes

Councilor Williams - Yes

Motion Passed.

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

As required by Section 10-15-l(J), NMSA 1978, matters discussed in executive session were limited only to those specified in the motion to close the meeting.

16. ADJOURNMENT

Councilor Atwell made a motion to adjourn. Councilor Williams seconded. 3-0. Motion Carried.

Minutes approved and adopted at the City Council Meeting on March 18, 2020.


Edna Trager
Mayor

ATTEST:



Rani Bush
Clerk-Treasurer