



**CITY OF ELEPHANT BUTTE  
SPECIAL CITY COUNCIL MEETING - OPEN TO THE PUBLIC**

**Wednesday, March 5, 2020**

**Municipal Building, 103 Water St. Elephant Butte, NM 87935**

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**MINUTES**

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

Mayor Edna Trager called the meeting to order. Mayor Pro Tem Kim Skinner led the Pledge of Allegiance.

**2. ROLL CALL**

Clerk-Treasurer Rani Bush called roll.

Mayor Edna Trager - Present

Mayor Pro Tem Kim Skinner - Present

Councilor Travis Atwell – Absent

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

City Attorney Ben Young explained the issue regarding notice of the special meeting. The City's website was down since Thursday, February 27, 2020 and the agenda was not posted on the City's Facebook page. It was posted at the 4 physical locations. Due to the timing of setting up the meeting, it was not printed in the newspaper. This presented a problem with proper notice and initially the meeting was cancelled until it was realized that an item on the agenda had a deadline before the next regularly scheduled meeting that involved a substantial amount of funding.

Attorney Young explained that there is a provision in the Open Meeting Act that allows the governing body to cure notice deficiencies by ratifying action taken at the next regular meeting. The line item should be something along the lines of: "Ratification of action taken at the Special City Council Meeting, March 5, 2020 regarding the NMDOT Letter of Interest." The Open Meetings Act was not intended to prevent the Council from taking important government actions and there are presumptions that actions taken in an open meeting are presumed to valid unless shown otherwise.

Mayor Pro Tem Skinner made a motion to approve the agenda as submitted noting the attorney's comments about how to correct actions taken at the next meeting. Councilor LaFont seconded. 3-0. Motion Carried.

**6. REGULAR ITEMS**

**a. Discussion/Possible Action: NMDOT Letter of Interest 20-21**

City Engineer David Shields explained the letter of interest and the rationale for choosing to use the funds to help with paving of Michigan Drive from Rock Canyon Road to Skyline Drive. Mayor Trager added that Michigan Drive has already been on two previous submissions: 1) last year's NMDOT that

wasn't awarded and 2) the City's ICIP (Infrastructure Capital Improvement Plan). She explained also that they don't want to take on multiple projects and want to be able to properly manage them to completion.

Mayor Pro Tem Skinner added that the yearly Small Cities Assistance money had been received the prior week and Michael Steininger from the Department of Finance and Administration had been onsite to help with the City's budgets. In addition, Spirit Golf Management will be taking over golf course operations soon. Therefore the City's share for this project seems reasonable.

Councilor Williams asked if it included for water runoff. Engineer Shields answered that \$35,000 in the full project is designated for drainage.

Engineer Shields also reported that on the same Tuesday, he will be handing in paperwork for Phase II of the Warm Springs MAP project which is the arterial project that goes through NMDOT. It was funded last year. He will be applying again this year for construction.

Engineer Shields informed the Council that he did get the price for the survey at Balboa Park. It would be \$3,400. The cost to do the erosivity waiver will be \$595 with Verde Environmental who will schedule a time with Clerk-Treasurer Bush in the next week to get that done.


A sheet of all the Bohannon Huston projects has been handed out to Council. Mayor Pro Tem Skinner asked about the progress on Camino Cinco project. Engineer Shields estimated that the project will be completed before the end of the year. There is a substantial amount of money from the NM Financial Authority that needs to be spent by June, but the project can go beyond that deadline.

Councilor Williams made a motion to approve the NMDOT Letter of Interest 20-21 for Michigan Drive. Councilor LaFont seconded. 3-0. Motion Carried.

## 7. ADJOURNMENT

Councilor Williams made a motion to adjourn. Mayor Pro Tem Skinner seconded. 3-0. Motion Carried.

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

  
Edna Trager  
Mayor

ATTEST:

  
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Rani Bush  
Clerk-Treasurer