



**CITY OF ELEPHANT BUTTE
REGULAR CITY COUNCIL MEETING**

Wednesday, April 15, 2020

**Truth or Consequences City Commission Chambers
405 W. 3RD ST., TorC, NM 87901**

Due to the current health risks associated with COVID-19 and orders from the New Mexico Governor's Office and the New Mexico Public Health Department, public attendance at this and future meetings of the City Council are temporarily suspended. Until the orders are lifted and in accordance with the guidance from the New Mexico Attorney General, the City will make its meetings open to the public through KCHS Radio – AM 1400.

MINUTES

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Trager called the meeting to order. The following participated by phone: Mayor Pro Tem Kim Skinner, Council Travis Atwell, and City Attorney Ben Young. The Pledge of Alliance was led by Council Michael Williams.

2. ROLL CALL

Clerk-Treasurer Rani Bush called roll.

Mayor Edna Trager - Present
Mayor Pro Tem Kim Skinner – Present via phone
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

City Attorney Young explained the COVID-19 guidelines from the State Attorney General's (AG) office in regards to open meetings. The AG issued a statement after the Governor's March 11 State of Emergency Executive Order. The recommendations are: 1) at the start of the meeting the chair should announce the names of the public body who are participating remotely, 2) all members participating remotely should identify themselves whenever they speak and must be clearly audible to the public body and to the public, 3) members of the public should be afforded remote access via live stream or other similar technology, if possible or call in by phone, 4) the chair should suspend discussion if the audio or video is interrupted, 5) all votes of the public body must be by roll call vote, 6) the public body should maintain a recorded copy of the open meeting.

City Attorney Young suggested that we should proceed in an orderly fashion and had recommended to the Mayor that for each agenda item that she calls the name of each elected official in order to provide them the opportunity to comment. Then move down the line to ensure that no one is missed and talking over each other will be at a minimum.

If there are questions, the Mayor can recognize the speaker and grant them the floor. Also those calling in should mute their line when not speaking to cut down on feedback and interference. There were no questions from any of the councilors.

4. PUBLIC COMMENT

Clerk-Treasurer Bush stated that she did not receive any comment by email, on the Facebook page or in the payment boxes.

During the COVID-19 State of Emergency, the City of Elephant Butte only took written public comment submitted prior to the start of the meeting by email to cityclerk@cityofeb.com or submission at the following location: Utility Payment Boxes, City Hall, 103 Water Ave, Elephant Butte, NM 87935. Using CDC recommended guidelines for proper sanitation prior to delivering the comments was suggested.

Any written comment must be no longer than 3 minutes when read out loud. The comments will be read in the order received. The Public Comment period will be limited to a total of thirty minutes or until all comments have been read, whichever occurs first.

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

Councilor Williams made a motion to approve the agenda with Regular Items c & d tabled for discussion at a later meeting. Councilor LaFont 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.

6. MAYOR AND COUNCIL REPORTS

Mayor Trager commented that she is trying to follow the guideline of only talking about only the timeliest issues. There are regularly scheduled mayor's conference calls so she is in contact with the NM Municipal League and other throughout the state. The conference calls take place each Thursday afternoon at 2:00. The topics have mostly mirrored the Governor's press announcements.

The call from last Thursday focused a lot on financial questions. The State is working on data to assist municipalities with planning their budgets and estimating the decreased GRT. They were told not to expect any capital outlay funds at this point. The 60 day session will include the goal of decreasing the State budget by a minimum of a billion dollars.

The City received the 2019 Water Quality Consumer Confidence Report which includes notice to the community of 2 past violations: December 2018 – chlorine test that was not reported and June 2019 – a total trihalomethanes report was not submitted. All subsequent tests have been submitted on a regular basis reflecting safe drinking water. The report has been posting at all the City's regular sites include the website.

A question came up at a past meeting about the accuracy of water and wastewater billing. The office has been conducting an audit of the accounts to identify active and inactive accounts and ensuring accurate meter reading and billing. It's an ongoing project, but a lot of headway has been made.

The NM Environmental Department sent out a call for possible infrastructure funding at the federal level. There has been a fast turnaround on some of the requests. The City of Elephant Butte did submit 2 requests. One was for 2 mobile generators for use on our water system in case of emergency. This request included storm waters funds so Mescal was included as the location for this project.

In a past meeting, it was reported that the City expended funds for an ad in the 2020 Outdoor Adventure Guide. Due to the closure and limited travel, the publisher (NM Magazine) is looking for additional distribution opportunities for this publication.

On March 5, initial discussions were made about Local Government Road Funds. The City has received an offer of \$40,000 from these funds and is requesting an extension to combine that amount with future funds. Locally, the City provided spring clean-up bins that started on April 10 and will continue through April 24. There is currently no recycling in the City until the recycling centers reopen and there is a place to deliver the Elephant Butte recyclables to.

Mayor Pro Tem Skinner now serves on the monitoring committee for the regional Workforce Solutions Board. In light of the COVID-19 situation, there have been numerous board meetings, executive board meetings, reports, updates, changes with programs, etc. She has also attended numerous webinars hosted by the NM Tourism Department, the NM Restaurant Association, the NM Hospitality Association, and the NM Economic Development Department. They are all ongoing and are looking at unemployment especially in the largest hit industries such as the tourism industry. They are looking at the Federal CARES Act funding. She is a resource to help anyone with getting to the correct website for pertinent information. The updates are changing constantly.

Regarding the NM Tourism grant for the co-op, she attended the meeting yesterday. It has been changed; they are doing a 2 to 1 match and you can have a private business be a 50% partner. With Spirit Golf coming on, the City should really look into this grant. It's a great opportunity to promote both Elephant Butte and the golf course.

Regarding Sierra Vista Hospital, there have not been layoffs. Staff have been furloughed at 30 hours and they are filling in hours with personal time off. If they don't have it, they are allowed to bank it to gather up those funds. They are also switching off staff. Their top goal is retention of staff and quality care. The hospital is in good financial standing right now.

She has received a complaint from a citizen regarding Camino Quarto. There is a location that has 4 larger fifth wheels/RV's stored side by side on the same lot. This needs to be checked out. A Middle Rio Grande Economic Development Board virtual meeting was held on Friday. Everyone is concerned about the census. They have asked for an extension of time from the president to when the census is due to COVID-19. One thing that people in Elephant Butte might not understand is that the census invitation will not be mailed to P.O. boxes. Therefore people need to go online, click the link that you did not receive the invitation, and then fill it out there.

Councilor Atwell reported that the Southwest Council of Governments cancelled their quarterly meeting. He couldn't attend today in person because he is working the County's operating center.

Councilor LaFont has not attended any meetings.

Councilor Williams attended the Sierra County Regional Dispatch monthly meeting this morning where they passed a budget. Elephant Butte's cost are going to increase to \$32,221. This is a \$13,664 increase due to the fact that the City's calls have doubled in the last 3 years. They also requested that both Councilor Williams and Chief Tooley to turn in a personnel roster with the positions of each license level. He will get with Chief Boone and get that to him as soon as possible.

7. CITY MANAGER REPORT

City Manager Vicki Ballinger reported that on City Hall has been closed except by appointment since March 15. Utility payments are made by phone or drop box. Persons seeking a permit or registration of any kind can call to make an appointment. The City Clerk and Deputy Clerk are in the office for scheduled meetings but working remotely otherwise. They are available by phone or email. The Utility Clerk and Administrative Assistant are working in the office but on opposite sides of the building. They are handling calls, mail, banking and appointments. The Code Enforcement Officer is making his usual rounds and responds to questions by phone or appointment. A copy of his report is in your packet.

There are no changes in Public Works. In March, the Public Works Crew completed all of the retention pond reclamations, added new cobble around and outside as curbing, new culverts entering the pond, seeding the pond slabs and reworked on surrounding roads to ensure proper water runoff. Multiple culverts reclamations around town and wash out repairs are ongoing. Spring is a busy time for the Crew with weeds coming out in force around all the City's properties. There was a desert willow invasion last year that took a while to get a handle on. They grew Citywide on the edge of the roadways. They were treated and cut down last year so now the stumps that were left behind are being removed since they are a tire hazard.

The Crew has been pruning and cleaning City Hall, the walking path and cutting back growth at intersections. The office was tested for mold and some was found by the utility clerk's desk. This is now being corrected. Business as usual for the Fire Department. We did receive a SWPPP waiver for Balboa Pond. The area has been watered and seeded. There have been reports from residents of OHV's and pets in the area. Signs will be posted to prohibit these activities. As the Mayor mentioned, the audit of utilities is ongoing.

Concerning the golf course, on March 16, the day after Spirit Golf Management was supposed to take over operations, there was a staff meeting to explain why that wasn't going to happen as scheduled. This is a holdup with the liquor license leases. City Attorney Young is looking into this. On the same day, an order came from the Governor's office limiting restaurants to 50% occupancy and leaving golf courses open. The restaurant changed seating to comply with the order. Two days later the bar was closed and the restaurant was changed to take-out only. Most of the wait staff were laid off. The bar manager and 2 long term part-time employees were retained to help with taking orders. All items in the bar area were inventoried and moved to storage. There are 2 cooks on staff. This past week, the days for take-out were reduced to just Thursday through Sunday. The restaurant was also closed on Easter. Evaluation of the situation continues.

On March 24, the golf course was closed due to State mandate which resulted in additional restructuring of operations. The three of the pro shop staff and half of the maintenance crew were laid off. The superintendent and 2 other were retained to maintain the golf course and one staff member was reassigned to Public Works to fill a vacancy there. Some staff came back for 2 days to assist with seasonal aeration of the greens. During this time there were reports of golfers on the course, but it was this staff. Sixteen positions were cut all together and as of today 7 are still working (only 3 are full time).

Spirit Golf as submitted a marketing plan that the Council has reviewed. She has addressed complaints about people and pets being on the golf course after it was closed. On March 10, City Manager Ballinger was a speaker for the local chapter of Rotary International and last week she recorded a message for KCHS Radio encouraging citizens to respond to the 2020 Census online. Finally she asked the Council and others to help her slow down the rumor mill. If anyone hears or see something relevant to City operations or employees that doesn't seem right, please call City Hall and leave her a message or send her an email. She is happy to respond to any questions. She did get a nice complement yesterday for Paul Rintelen, a Public Works employee, about the great job he was doing.

Councilor Atwell asked about Balboa Park engineering. City Manager Ballinger replied that there has not been any further engineering on it since the SWPPP waiver was received. It is on her list to follow up on. He also had a comment on the seeding that took place on Balboa Park. He received 3 complaints that the seed was thrown out without any cultivation or watering and a couple of hours later, the wind blew the seed away. She replied that it had rain pretty good right before and after. We will see what comes up.

8. CLERK-TREASURER REPORT

Clerk-Treasurer Bush explained that most of her report will come up in the action items concerning the audit report, the budget adjustment and the preliminary budget. She did include in everyone's packet the Check Report for March as well as the Detailed vs. Budget Report for the 3rd Quarter. The 3rd Quarter Report to the State is due at the end of April. Michael Steininger, from the State has been in house this week assisting with the budget.

9. FIRE CHIEF REPORT

Fire Chief Toby Boone reported that his staff has been working on the Emergency Operations Center located in the Annex Building. They recently received an office furniture donation from an Elephant Butte resident. They have been working on directives of the COVID-19 response for the last several weeks. They are consistent with other fire departments directives and self-screenings to ensure that the staff is safe in their responses. They have been following the CDC guidelines. He has been working on the COVID Task Force with the Sierra County. He has also attended teleconferences with TorC and Sierra Vista Hospital as well as Sierra County.

He has been working on the emergency operations plan. Currently he is working on the Essential Functions section. He has been doing distance training with his staff working on Fire 1 and Fire 2 and/or catching up on other courses. He just submitted the emergency 911 addressing to the State and should receive a validation email within the next two weeks.

Councilor Williams asked about approval from the State in regarding to the ATV unit that was discussed at the last meeting. Chief Boone responded that the State was in agreement to approve the purchase. Because of the cost, the State set up a meeting to discuss it further. That meeting has been delayed; therefore the purchase is currently on hold.

In March, there were 23 service calls. In April, there have been 14 service calls to date.

Mayor Pro Tem Skinner asked about the code enforcement report. She had several areas of concerns. They are being addressed. Mayor Trager also advised that a copy of the report is in the Council's packet. Councilor Williams commented that when people are confronted with dogs not on leashes, the advice he received from Sheriff Hamilton is to video the incident. It's the best way to be able to prosecute the offender.

10. CONSENT ITEMS (Roll Call Vote)

a. **Approval of Meeting Minutes, February 12, 2020, February 19, 2020 & March 5, 2020**

Councilor Williams made a motion to approve the consent items as received with the following corrections: February 19 minutes – Add the Council's approval of Syresh Patel appointment to the Lodgers Tax Advisory Board. Councilor LaFont 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.

11. REGULAR ITEMS

a. **Action: Ratification of Action Taken at the Special City Council Meeting, March 5, 2020 regarding the NMDOT Letter of Interest.**

City Attorney Young explained the process of ratifying the action taken at the special March 5 Council meeting where the meeting was not advertised electronically because the City website was down and the notice was not put on the City's Facebook Page. No complaints were made about the lack of notice. But out of abundance of caution and in an effort to be as transparent as possible, the Council wanted to ratify the action at the next regular meeting. Mayor Trager added that, in fact, the offer from NMDOT

was since received in the amount of \$40,000 and was accepted. There was a request for an intension so that the amount could be combined with other funds.

Councilor Williams made a motion to ratify the action taken at the special Council Meeting, March 5, 2020 regarding the NMDOT Letter of Interest. Councilor LaFont 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. Discussion/Possible Action: Resolution 19-20-115 Declaration of Emergency

Mayor Trager explained that this is an important action should the City incur COVID-19 costs that could be reimbursed by FEMA. It is also of utmost importance to the Governor for the ease of the State making requests for reimbursements on the federal side.

Clerk-Treasurer Bush commented that there were minor terminology changes in the resolution. She was only able to send that version to the councilors 2 hours before the start of the meeting. City Attorney Young explained that changes were to have consistency with current Code regarding the title of different roles during an emergency.

Councilor Williams made a motion to approve Resolution 19-20-115. Councilor Atwell 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.

c. Discussion/Possible Action: Resolution 19-20-113 All Hazard Emergency Operations Plan

Tabled

d. Discussion/Possible Action: Ordinance 192: Revisions to Chapter 32 - Civil Emergencies and Emergency Management

Tabled

e. Discussion/Possible Action: Resolution 19-20-114 FY2019 Audit

Ashley Tierney from the City's audit firm (Beasley, Mitchell & Co.) made a presentation via the phone about the Fiscal Year 2018 – 2019 Financial Statement and Audit.

Mayor Pro Tem Skinner commented that a lot of the recommendations were for the City to draft a manual on accounting policies and procedures. She agreed on how important it was to have written procedures. City Manager Ballinger agreed that the procedures need to be written. Mayor Pro Tem Skinner requested a copy of the manual once completed.

Councilor Williams made a motion to approve Resolution 19-20-114 with the correction of the 3rd paragraph, last sentence, changing “Statue Auditor” to “State Auditor.” Councilor LaFont 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.

f. Discussion/Possible Action: Resolution 19-20-112 Warm Springs NMDOT Program

Councilor Williams made a motion to approve Resolution 19-20-112. Councilor LaFont 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.

g. Discussion/Possible Action: Resolution 19-20-111 Budget Adjustment #2 FY19-20

Clerk-Treasurer Bush explained the adjustments to the General, Fire, Parks & Recreation and Golf Course funds.

Councilor Williams made a motion to approve Resolution 19-20-111. Councilor LaFont 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.

h. Discussion: Preliminary FY20-21 Budget

Clerk-Treasurer Bush explained that the FY20-21 budget will look very different from past budgets and will need unique considerations, so an early start is warranted. Besides changes brought on by the repercussion of COVID-19, the City is also in transition regarding management of the golf course (which has significant financial changes). Also all the staff changes over the past several years have made consulting prior budgets problematic. This budget will be a chance to reset the budget to better track the City’s finances.

Mayor Trager, City Manager Ballinger and her worked with Mr. Steininger over the last 2 days laying out the new budget. They wanted to set aside time at this meeting to hear overarching concerns about the budget given the current realities, then within the next couple of weeks to set up a budget workshop to go into more details about the new budget.

Mayor Trager reminded everyone that the current FY19-20 budget was mostly the same as the prior year's because there had been so much turnover of staff. This is the reason there were so many adjustments. The State is allowing entities to use the prior year's budget this year, but that really isn't an option for Elephant Butte because of this. Moving forward with the new budget is very difficult in light of the shutdown. There are so many unprecedented changes at every level.

Mr. Steininger commented on helping set up the new budget. To establish a new baseline, he annualized the current budget, and then with revenues used the lowest amount (annualized vs. budget) and the opposite with expenses to be as conservative as possible. No one knows what gross receipt taxes (GRT) are going to be moving forward. Since Elephant Butte is a tourist based town, we may be more negatively impacted. The draft budget is projecting a fairly substantial deficit in General Fund. Another significant factor is the contract with Spirit Golf which will add another \$240,000 expense next year. One advantage is that since the City is fairly isolated in regular purchases, the GRT should be mostly stabilized. What is yet to be seen is, once restrictions are lifted, how long it will take residents with second homes to return to the area. He strongly recommends keeping a close eye on GRT and what happens to other revenues. He has concerns but nothing of major importance with the draft budget.

Mayor Pro Tem Skinner thanked Mr. Steininger for his assistance. Councilor Williams echoed what Mr. Steininger said regarding freezing our budget as soon as possible. We have no idea what's going to happen and a lot depends on when the state park opens back up.

City Attorney Young will look into any extra considerations the City will need to take into account with holding a budget workshop. He also recommended that around the workshop, a meeting is also set up with Spirit Golf to talk through possible changes with their taking over management of the golf course given all that has transpired because of the shutdown.

12. ADJOURNMENT

Councilor Williams made a motion to adjourn. Councilor Atwell seconded.

Clerk-Treasurer Bush conducted a roll call vote.

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

Motion Passed.

Minutes approved and adopted at the City Council Meeting on May 20, 2020.


Edna Trager
Mayor

ATTEST:


Rani Bush
Clerk-Treasurer