



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

**Wednesday, May 20, 2020**

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

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 dialing into WebEx number: (408) 418-9388, Access Code: 622 251 820 or going to [www.cityofelephantbutte.com](http://www.cityofelephantbutte.com) for information about accessing the meeting through your computer.

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**MINUTES**

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

Mayor Edna Trager called the meeting to order. The following participated remotely: Mayor Pro Tem Kim Skinner, Council Travis Atwell, and City Attorney Ben Young.

Councilor Michael Williams led the Pledge of Allegiance.

**2. ROLL CALL**

Clerk-Treasurer Rani Bush called roll.

Mayor Edna Trager - Present

Mayor Pro Tem Kim Skinner – Present remotely

Councilor Travis Atwell – Present remotely

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**

*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](mailto: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. 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** reported that the revised Water Consumer Confidence Report has been posted on the website, Facebook page and normal locations. The full complement of flags will be out on Memorial Day from 6:00 am - 5:00 pm. She thanked the Fire Department volunteers who will be putting them out and taking them down. There will be a parade honoring the Memorial Day veterans for all the sacrifices made. It will start at 9:00 am. Lineup will begin at 8 by Hodges Restaurant. The parade will continue through Elephant Butte into the City of TorC and over to the Veteran's Center.

**Mayor Pro Tem Skinner** reported that she attended several meeting this week. At the NM Municipal League (NMML) 2020 Budget Committee meeting, there were discussions about budget cuts. She shared what some of the larger cities were doing. March Gross Receipts Tax (GRT) didn't look that bad because it was only one week into the COVID-19 situation plus the hoarding that took place during that time. They feel April and May will be bad. They will be doing quarterly budget adjustments. She feels Elephant Butte should do the same thing. Mayor Trager added that it is also called a rolling budget. Elephant Butte's March GRT were received and the amount was up. This is attributed to the spike in purchases when people were panic buying.

She also attended the NM Hospitality Association Government Affairs meeting. They had the same concerns. Secretary Schroer from the Tourism Department shared her concerns for the State and the Tourism Department. The CARES Act infuses funds into some of the departments (i.e. Economic Development). She is concerned about the overall condition and health of her department after the special session.

Mayor Pro Tem Skinner attended a meeting yesterday for the NM Tourism Department Regions Board. They are looking at the new Lodger's Tax Best Practices Handbook. It should be able to be shared with the community within the next couple of weeks.

**Councilor LaFont** phoned into the South Central Transit Association meeting. They are working on getting the numbers together with their budget.

**Councilor Williams** attended a Sierra County Dispatch Authority meeting this morning. They are also working on their budget.

## 7. CITY MANAGER REPORT

**City Manager Vicki Ballinger** reported that it's been a very busy time, especially at the golf course with all the changes because of the COVID-19 situation. City Hall has been closed to visitors except by appointment since March 15. Utility payments are made by phone or drop box. Persons seeking a permit or registration of any kind may call to make an appointment.

The two City staff who worked from home have returned to the office. It's a busy time with budget and transitions. The utility clerk, hired in March, has recently resigned. Jane Tinon, our administrative assistant, is training to take over her duties. Public Works is busy with weeds this time of the year. They are also repairing ISO valves on Chama, Springland, Mimbres and Skyline. They are working on the edge of all roadways, saving the roads as best as they can by filling low spots and washes. They are going to start rebuilding the French drain on Rock Canyon and Rio Grande by this Thursday.



Numerous street signs were stolen in the area of Hallmark and Country Club all the way down to maintenance shack on Sierra del Rio. A report was made to the Sheriff's Department and she has met with them a couple of times. There has been no news, but we would like to get those signs back. It's going to cost the City a lot of money so any information would be appreciated.

The golf course was re-opened on Saturday, May 2, with restrictions by virtue of the Governor's latest order. It is opened 7 days a week from 7 am to 7 pm. The Pro Shop is closed to retail. Reservations for T-time are made over the phone. Cart assignments are made by phone upon arrival. Carts are sanitized before being turned over to each golfer. Only one person per cart unless the 2 people are living together. Score cards and pencils are placed in baggies by staff wearing gloves, and then placed in carts. The driving range is also opened. Balls are sanitized and set out for guests upon requests. Ball washers at the course are taped closed and are not in use. Restrooms on the course are closed, but restrooms in the clubhouse are open and are cleaned at least once a day by staff. All must practice social distancing, congregating is not permitted. The restaurant remains closed. City Manager Ballinger reviewed an Excel spreadsheet showing the rounds of golf and daily revenue since re-opening.

Mayor Trager added that in the City Hall office, a new practice has been instituted where temperatures and oxygen saturations levels are taken daily for all employees. Travel is also being recorded, if any. Everyone has been healthy.

#### **8. CLERK-TREASURER REPORT**

**Clerk-Treasurer Bush** reported that, as City Manager Ballinger said, the utility clerk had resigned. Jane Tinon has taken over those duties and was in training the week beginning May 11. The City is on track for the next billing cycle. She provided the Council with the April Check and Budget vs. Detail reports. She also confirmed the March GRT numbers that the Mayor had talked about earlier.

#### **9. FIRE CHIEF REPORT**

**City Manager Vicki Ballinger** reported that the Code Enforcement report was in the Councilor's packet. She reported for Fire Chief Boone who was out on a call. Daily operations are normal. Current projects include repairs to some of the vehicles, distance training for HazMat-ANO, distance training for 130-190 refresher training, and pack tests. Also Station 1 bay doors have been fixed. Call volume has been variable. There was a lull when the COVID-19 situation first started, but it has gotten very busy in the last few weeks; multiple calls per day.

There will be no fireworks at the State Park this year due to events unfolding with the virus. There isn't enough time to secure a permit given all the uncertainties. Councilor Atwell asked that fire restrictions for the City be looked into. He reminded everyone that it has to be decided 30 days prior to July to make sure that there is no sale or use of illegal fireworks within the City. He doesn't want a repeat of last year. Mayor Trager added that dry conditions are an important factor this year. Councilor Atwell stated that the County already has restrictions in place this year. City Manager Ballinger added that she listened to the County Commission meeting yesterday and they did make a resolution for fire restrictions for the County and the non-incorporated parts of the County. She agrees with Councilor Atwell that something needs to be done soon.

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

- a. Approval of Minutes: Regular Mtg - April 15, 2020, Special Mtg - May 6, 2020 & Emergency Mtg - May 15, 2020

Councilor Williams made a motion to approve the 3 sets of minutes with the following correction to the May 15 minutes: on Page 5, change Suresh Patel appointment to the Lodgers Tax Advisory Board instead of the Planning and Zoning Commission. 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 emergency action taken May 15, 2020, concerning \$400,000 capital appropriation bond with May 15, 2020 deadline from New Mexico Department of Finance Administration**

City Attorney Ben Young explained the action taken on May 15, 2020 and how to ratify it at today's meeting. He will send the minutes for the May 15 meeting and the meeting today to the Attorney General's office along with a letter explaining the situation.

Councilor Williams made a motion to ratify the action taken at the emergency Council Meeting, May 15, 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: Spirit Golf Management Transition Plan and Addendum**

Mayor Trager started the discussion by acknowledging Guy Wimberly for the incredible contributions he has made to the golf course and community. He passed away on May 1st at age 81. She wanted to put up for discussion what can be done to honor Mr. Wimberly at the golf course. This is a topic that will be discussed with Spirit Golf Management (SGM) as the City moves forward.

City Manager Ballinger reported that a phone call with her, SGM principals, SGM's attorney Mark Rhodes and City Attorney Young was held on May 12 to discuss the status of Sierra del Rio (SDR) liquor license leases. Mr. Rhodes reported that he submitted the final paperwork to the Alcohol and Beverage Commission (ABC) that same day. He requested that the application be sent to the Director for final review and issuance of the license in Spirit Golf's name. He noted that the delay with the application was with getting necessary information from one of the liquor distributors.

City Attorney Young recommended that the Council should vote to authorize the Mayor to sign an addendum to the contract. Initially, the delay dealt solely with the transfer of the licenses, but the COVID-19 situation has made the delay much longer. The effective date of the agreement continuously gets pushed back. He feels that the language in the addendum should be that the agreement becomes effective as soon as the approval and execution of the liquor license is transferred by the State. This will not add anything substantive to the management agreement. It is a subset of it.

Mayor Trager added that she was also on the May 12 conference call. She wanted to clarify that there didn't have to be a specific date. City Attorney Young confirmed that it could be upon approval and not be a specific date. He also mentioned that Mr. Rhodes hoped it would be by June 15, but couldn't guarantee it given current circumstances.

Mayor Pro Tem Skinner commented that during the NM Hospitality Association Governance meeting, Secretary Schroer gave some ideas for how to lobby the Governor to open up restaurants and increase the occupancy rates for the hotels. They are going to create some letters and opening Elephant Butte Lake is included. Councilor Atwell inquired if SGM could move forward with the transition now since alcohol can't currently be sold and add that later. The restaurant could at least be re-opened for carryout.

Todd Barranger, SGM, commented that they cannot move forward because without the license transfer SGM personnel would have to become City employees to maintain representation from the holder of the license. He added that SGM has already had discussions about how to honor Mr. Wimberly at SDR. They too want to keep his name well known and remembered for all the contributions he has made throughout the years. Richard Holcomb, SGM, stated that their team is ready to go as soon as they have permission from ABC. He added that SGM is experiencing the exact same issue with their liquor license for Picacho Hills. Their team has been meeting regularly, discussing marketing, and having conversations with about the greens. They are ready to move into the kitchen as soon as they possibly can.

Councilor Williams asked if the change that needed to be made to Addendum I was the effective date. City Attorney Young confirmed that it was the effective date that needed to be modified and also the acknowledgement that the liquor licenses lease will be executed at the same time.

Councilor Williams made a motion to authorize the Mayor to amend Addendum I and enter into the liquor license lease agreement with SGM as soon as possible. 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.

Mr. Holcomb added that him and his wife, Janine, had been living locally for the past month and they now have an official post office box in Elephant Butte. Their plan is to be on premise on a daily basis, along with Tod, to make sure the transition goes smoothly. City Manager Ballinger reported that one of the golfers last weekend was the superintendent from the University of NM Golf Course. A superintendents' meeting was supposed to be held at SDR but got postponed. Hopefully it will be rescheduled as things open up.

**c. Discussion / Possible Action: Fiscal Year 2020 – 2021 Interim Budget**

Clerk-Treasure Bush explained the changes made to the budget after the May 6 meeting. She worked with both the Mayor and City Manager to incorporate as many of the comments from that meeting as possible. Recent changes with personnel required additional adjustments. Mayor Trager commented on the loss of a valued member of the staff. Tim Crawford, our Water II operator, lost his battle to cancer on May 4. His contributions to the City are definitely missed. That position will have to be filled, but because of the certifications necessary might take a while.

Mayor Pro Tem Skinner wanted to make sure there was enough money in the reserves to cover the differences between the income and budgeted expenses. Clerk-Treasurer Bush confirmed that for FY20-21 we do have enough in the reserves. She also shared what Jason Weeks, lobbyist for the NM Hospitality Association, shared with them. He said it is important to look beyond the next fiscal year to FY 21-22 and further. If it takes longer to recover financially, it will be in these years that Elephant

Butte could run out of money. We need to be cautious and conservative now and look beyond the next year.

Councilor Williams made a motion to approve the submission of the interim budget to the Department of Finance and Administration (DFA). 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.

## 12. ADJOURNMENT

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

Clerk-Treasurer Bush conducted a roll call vote.


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

Motion Passed.

*Minutes approved and adopted at the City Council Meeting on June 11, 2020.*

  
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Edna Trager  
Mayor

ATTEST:

  
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Rani Bush  
Clerk-Treasurer

