



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

**Wednesday, June 11, 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: 126 826 7541, Password: 23898557 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**

*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.*

Clerk-Treasurer Bush read the following email:

Terri Copsin, Resident: 207 Tewa EB, NM

Just would like to know why you put 140 lbs of seed in the Balboa park area which nothing grew, and then spray weed killer on the natural vegetation, which has now killed everything along the top. Then you spray all the road ways and kill everything that is helping hold the berms up for the run off?

## 5. PRESENTATIONS

- a. Balboa Pond System Drainage Planning – Vince Steiner and David Shields, Bohannon Huston

City Engineer David Shields introduced his associate Vince Steiner from their Albuquerque offices. Mr. Steiner went through the handout in the meeting packet.

Mayor Trager asked if he was aware of any federal funds that were available. He replied that FEMA funding comes to mind since they have regular funding mechanisms. Unfortunately, he doesn't think this project would qualify at this time because FEMA prioritize projects that have damage to their structures of residents and their businesses. Mayor Pro Tem Skinner commented that there are a couple of homes that are potentially impacted from flooding so that could be an issue.

Councilor Atwell commented that with the pricing we are showing on this bid, it's absolutely not feasible. The priority one right now is to address the current pond that was installed by the City. We still don't have any engineering on it to verify that it is big enough and will hold the rain flows that are expected to come in or if it's going to blow out and we then we will lose the homes. The FEMA funding we can go after is after the fact. We have to add the dams first.

Councilor LaFont commented that we can't afford to do it this way. The City doesn't have that type of money and now that we don't have Senator John Arthur Smith, he doesn't think we can get it from the State either.

Councilor Williams commented that there is a variance of \$1.2 million on the overall cost. He wondered why there is such a big variance. Also Phase 2's 3 bullets are pretty much the same as Phase 3. If they are done in Phase 2 then why bother with them in Phase 3. Mr. Steiner replied that Phase 2 is only the design; Phase 3 is the construction for those designs. We have very little information on exactly what is going to be needed. Phase 1 is really crucial to get baseline information and what are causes of the issues so we can determine the most cost effective solution. The range is so broad since we lack that information. After Phase 1, we can provide a much more detailed proposal for that specific design effort.

City Manager Vicki Ballinger asked if Mr. Steiner had eyeballed the site himself. He replied that he was there when it was snowing towards the beginning of the year. He only saw the big one and because of the snow, it was hard to see. He further commented that he worked with Mr. Shields on the last two projects for the City including being the drainage engineer for the Camino Cinco project and doing the analysis for the arroyo study that Howard Stone did for the City a couple of years ago. She then summarized that from her perspective that the analysis step is key for determining the basic costs of everything that would follow.

Mayor Trager then commented that even Phase 1 has a wide range for the cost: \$30 - 50 thousand. Given current conditions and budgets that \$20,000 is a big difference. She asked how much tighter he can get that estimate. He replied that they wanted to have this conversation to lay out the phased approach and give the big picture to the City before they went down the path of giving a detailed scope and exact amount for what they were proposing. Her request for a next step would be to get a more defined estimate for Phase 1. The Council agreed. Councilor Atwell adding that the priority needs to be the tank that has no engineering on it. The City needs to address what needs to be done before the monsoons start. Councilor Williams agreed.

Mr. Steiner concluded by saying that he could work on a new estimate for Phase 1 which would include recommendations for possible emergency repairs of the pond in question but that it is critical to have the analysis done to understand the whole situation. Mayor Trager confirmed for him to proceed.



## 6. 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.

## 7. MAYOR AND COUNCIL REPORTS

**Mayor Trager** reported that there are two liquor licenses that are potentially coming up for public hearing. One will be for the gas station at 195 and Rock Canyon and the other one will be for the Elks Club. She also reported that there has been a lot of conversation about the Heroes Act. There is a Mayor's Caucus meeting going on right now with the guest speaking Ben Ray Lujan. Senator Heinrich has also talked about it. They expect it to pass. In the last meeting, she requested that Elephant Butte be evaluated on seasonal levels when it comes to population. There are several other entities in the same situation. This will be taken into consideration.

There have been changes at the Department of Financial Authority. The secretary left at the end of May. She participated in the Workforce Solutions CEO Meeting the day before. They are working on a fact sheet that will go out to public and employees giving them an update on the processes in place now that businesses are re-opening and jobs are available again. Staying on unemployment when jobs are available is not an option. There will be a joint meeting of the CEO with the Southwestern Board at the end of June. She thanked Mayor Pro Tem Skinner and Gary Whitehead for extending their terms for two more years as our representatives in this area.

Redesigning the City of Elephant Butte's website has been postponed indefinitely. We are trying to save where ever we can. The Annex was switched to LED lights back in April. Some electrical connections throughout the City have also been turned off that haven't been used. There are a couple of flag days coming up. This Sunday is Flag Day. The plan is to put up the flags representing the different branches of the military at the corner of Warms Springs and Butte Blvd, but not the full display. The full display will be up for Saturday, July 4, 2020. In the past, the full display was not up because of traffic. We felt it was important to do the full display this year since there won't be a fireworks display.

**Mayor Pro Tem Skinner** reported that she has attended numerous webinars including ones for the New Mexico Tourism Department, the Hospitality Association, New Mexico Small Business Development Center, and Workforce Solutions. Regarding the funding coming from the Federal Government's Heroes Act, Albuquerque will get direct funding but as the Mayor explained, everyone else will get it based on population which for seasonal communities is a problem. It has been proposed to look back at the previous fiscal year and look at the same time period.

She is part of the NM Hospitality Association's Government Affairs Board. They are lobbying for 3 points: 1) short term rentals regulations concerning COVID-19, 2) a modified 14-day air travel restrictions for individuals to include temperature checks and health surveys in lieu of isolation, 3) for the governor to have representatives from the hotel industry and convention centers to come up with appropriate recommendations for weddings, special events, etc. There are disparities with their restrictions compared to ones for large restaurants.

The Government Affairs Board is looking at small business protection loans similar to a PPE plan except for that they would have to be paid back. They would have 3 years to pay back the loan by annual payments. She also met with Annalena Speht of the NM Small Business Center. They have 18 offices throughout the State. They are trying to identify businesses that have been negatively impacted in the tourism industry. Her number is (505) 300-2781 x013. She's willing to help people with PPE plans, applying for grants and loans, etc.

**Councilor Atwell** reported that the South Central Council of Governments had to reschedule their board meeting so no activity there. He also wanted to make sure there will be follow up on the public comment that was made. He is curious to see whether or not the City has been spraying or not. Mayor Trager commented that the seeds were distributed widely and unfortunately we haven't had much rain so they can take hold. The weed killer had been applied strategically, it was not wide spread. It's common practice as to what has been done in the past. It will not kill the seed that was placed.

**Councilor LaFont** that the South Central Transit District meeting had been postponed until next week.

## 8. CITY MANAGER REPORT

**City Manager Vicki Ballinger** reported that Spirit Golf Management (SGM) has taken over golf course operations as of June 1. The restaurant is open for service on the patio and inside. She encouraged everyone to visit both the restaurant and golf course. Richard Holcomb of SGM gave an update.

He reported that they had a great opening day with many more people than expected. There is a new executive chef, Valerie Sandoval. Please ask to meet her when you come by. For the first week there were 449 rounds of golf played which included 76 annual pass holders, 17 semiannual pass holders and 39 reusing punch cards. This means 30% of the golfers are members. One and twenty six items were sold in the pro shop. In the dining room and bar, there were 963 entrees, appetizers, salads, and sides sold. There were exactly 100 people served on the first day.

The condition of the course is a big concern. Renovations will begin June 21. All 18 greens will be redone. Then they will go to work on weed control. After that work on the bunkers will commence. The challenge is finding the right grade of sand.

SGM was pleased that they could bring some of the staff that were laid off. There are now 3 chefs in the kitchen. There is a new dishwasher and three to five people working in the bar. Mayor Trager had a question about the course being open of Father's Day which is the same day the renovations begin. Mr. Holcomb responded that the course will not be shut down during that time. They will probably do nine holes at a time so half can stay open. Councilor Williams asked if there will be a Father's Day special. Mr. Holcomb replied that all the food is a Father's Day special.

City Manager then went through the report she had handed out to the Council. After a busy first week, things are beginning to settle in. People seem very pleased with the food quality.

## 9. CLERK-TREASURER REPORT

**Clerk-Treasurer Bush** provided the Council with the May Check and Budget vs. Detail reports. She also reported that the number of new utility customers has gone significant up in the past few months compared to last year. She will provide a more in depth report later.

## 10. FIRE CHIEF REPORT

Fire Chief Toby Boone was unable to attend the meeting.

## 11. CONSENT ITEMS (Roll Call Vote)

- a. Approval of Minutes: Regular Meeting – May 20, 2020

Councilor Williams made a motion to approve the consent item Minutes of the May 20, 2020 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.

## 12. REGULAR ITEMS

- a. **Discussion/Possible Action: Resolution 19-20-116 Emergency Burn Moratorium**

A discussion was held about the needed burn ban for the City. Both Councilor Atwell and City Attorney made suggested revisions to the resolution.

Councilor Williams made a motion to approve the resolution with the following revisions:

1. Line 5 – Rename the resolution to “A RESOLUTION DECLARING A SEVERE DROUGHT & FIRE DANGER EMERGENCY . . .”
2. Line 65 – Changing the word “ORDINANCE” to “RESOLUTION.”
3. Removing SECTION VII and renumbering subsequent sections.
4. Line 131- Removing the sentence: “Due to the declared emergency and danger . . .”

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: Camino Cinco Bid Award**

City Engineer Shields reported on the pre-bid process and recommended to award A Mountain of Las Cruces the bid.

Councilor Williams made a motion to award the Camino Cinco Bid to A Mountain Construction. 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.

### 13. 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 July 15, 2020.*

  
Edna Trager  
Mayor

ATTEST:

  
Rani Bush  
Clerk-Treasurer

